

Commission Meeting Number 360

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

**POLICE TRAINING COMMISSION**

Minutes of Commission Meeting

June 5, 2024

Location: **Monmouth County Sheriff's Office**  
**2500 Kozloski Rd. Freehold, NJ 07728**

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 Lou Bordi
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 Scott

Police Training Commission Meeting Minutes

June 5, 2024

Page 2

Federal Bureau of Investigation	Tara Jerussi
NOBLE	Jiles Shepp
New Jersey Juvenile Detention Association	Jorge Sandoval
New Jersey State Parole Board	Samuel Plumeri
Citizen Member—Governor’s Appointment	James Polos
Citizen Member—Governor’s Appointment	Alexander Shalom (Absent)
New Jersey League of Municipalities	Ray Heck
New Jersey Jail Wardens Association	Oscar Aviles
New Jersey State Police	Jay Mandziuk
NJSTFA	Wayne Bnchard
Joseph Sentrogo, Sr	FOP
Andrew Mercado	FOP 174
John Facobucci	FOP 174
NJ Sheriff’s Association Alt.	Mark Spitzer

Division of Criminal Justice Staff Present

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

AAG Stephen Wenger, Chief, Office of Public Integrity & Accountability

Academy Coordinator Pat Jones, Police Training Commission

Academy Coordinator Forest Kairos, 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, Steven Settles, Police Training Commission

Field Representative, Aaron Erven, Police Training Commission

Technical Technician, Angelica Sanchez, Police Training Commission

Academy Coordinator Unit Supervisor, Kathleen McSorley, Police Training Commission

Management Assistant, Dajhonna Collins, Police Training Commission

### **Police Training Commission Meeting Minutes for June 5, 2024**

Administrator John F. Cunningham called the 360<sup>th</sup> meeting of the Commission to order 11:33 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.

Management Assistant, Dajhonna Collins 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, 2024 Commission meetings. Commissioner Sharrock made a motion to accept the minutes with edits. The motion was seconded by Commissioner Colucci. The Commissioners voted to approve the motion.

#### **Administrator Cunningham asked Chairperson Robert Nolan to report on the business of the Licensing/Appeals Committee.**

1. Commissioner Nolan reported the following appeals were received since the April 3, 2024 meeting:

2A     *Antwain Auletta v. JJC Academy*

Pending before the hearing officer

2B     *Bailey Ferrugia v. Ocean County Academy*

Pending before the hearing officer

2C     *Ryan Convery v. Essex County Police Academy*

Pending before the hearing officer

2. Commissioner Nolan indicated that **Agenda Item 3A** was the PTC Law Enforcement License Revocations. Commissioner Nolan, on behalf of the Licensing Committee, moved and seconded a motion to revoke the PTC

License for twenty individuals. Commissioners Scott, Ship and Heck abstained, motion passed.

3. Commissioner Nolan indicated that **Agenda Item 3B** was the PTC Law Enforcement License Suspensions. Commissioner Nolan, on the behalf of the Licensing Committee, moved and seconded the motion to suspend one hundred individuals. Commissioners Heck, Scott, Blachard, Lyons, and Scaringelli abstained. Motion passed.

Commissioner Lyons reported that **Agenda Item 4 was a Consideration of Extensions of Training Time** for Juvenile Detention Officers and County Investigators

4A Consideration of a Request for an Extension for Training Time for Six Juvenile Detention Officers (Middlesex County Juvenile Detention Center)

4B Consideration of a Request for an Extension of Training Time for Two Youth Workers (AYC- Harborfields)

4C Consideration for Request for an Extension of Training Time for Juvenile Detention officer, Russell McPherson (Hudson County Prosecutors Office)

Commissioner Nolan, on behalf of the Appeals Committee, moved and seconded a motion to approve all Agenda Items 4A-4C.

**Commissioner Nolan concluded the Licensing/Appeals 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 Firearms Instructor Refresher Course, Special Circumstances

Several members of the Commission have discussed the potential for a Firearms Instructors Course Specialized Refresher, when a PTC Certified Firearms Instructor is impacted by specific situations outside their control, or related to an individual who has been a consistent In-Service Instructor. This matter has also been discussed at several Academy Directors Meetings, as it relates to the need for qualified instructors. Currently, if a Firearms Instructor fails to meet the required hours for recertification. they must take the Firearms Instructors Course in its entirety. regardless of the circumstances.

Individuals who fall into the below categories would qualify for entry into the specialized refresher, which would lead to PTC instructor Status:

- 1.) Long term medical leave, which precluded them from completing the required instructional hours to be recertified as a Firearms Instructor.
- 2.) Military activation, which precluded them from completing the required instructional Hours for recertification as a Firearms Instructor.
- 3.) Individuals who completed the PTC Instructors Course within the last ten years, and can provide documentation of in-service firearms instruction in each of the ten years.

The following Functional Areas contained within Firearms Instructors Course would need to be successfully completed to gain certification.

FA-1.1: Range Management

FA- I .4: Care, Cleaning, and Proper Handling of Weapons

FA-1.7: Identifying and Correcting Malfunctions

FA- I . 13: Range Exercises

It should be noted that this specialized refresher would not be for individual instructors who did not complete the required instructional hours, unless they meet the criteria listed in the three categories.

Commissioner Sharrock moved and seconded a motion on the behalf of the Standards Committee to approve the course with the following revision:

- Individuals who completed the PTC Instructors Course within the last five (5) years opposed to ten (10) years

The motion carried and was passed.

2. Commissioner Sharrock indicated that **Agenda Item 6A** Consideration of a Request for a Waiver of Training, Matawan Police Department on behalf of Christopher Stark

On May 20,2024, Chief Thomas Falco, Matawan Police Department, submitted a Waiver of Training on behalf of Lt. Christopher Stark. In October of 2019, Lt. Stark was randomly drug tested in accordance with the Attorney Generals Policy for Law Enforcement Drug Testing, there was a positive result for THC. Following notification from the State Toxicology Lab, Lt. Stark was suspended in December of 2019, pending a termination hearing. Lt. Stark was terminated on March 2, 2021. Lt. Stark appealed his termination, and a consent order was reached, Lt. Stark had been utilizing CBD oil, and it was agreed the positive result could be the result of the CBD oil containing THC. Lt. Stark was reinstated on April 16, 2024.

In anticipation of the return to duty of Lt. Stark, Administrator Cunningham was contacted by Chief Thomas Falco, concerning the training requirements for an officer returning to duty after an extended period of time, over three years. Administrator Cunningham explained to the Chief that the staff position would be a return to the academy, Administrator Cunningham further explained that the "duty to train". falls on the agency in accordance with the Police Training Act. In addition, Administrator Cunningham advised that should the agency wish to waive the officer from components of the Basic Course for Police Officers (BCPO), they could make that request to the Commission.

On May 20,2024, Chief Falco submitted a Waiver of Training, however, there was no specific request to waive a particular part of the BCPO. Administrator Cunningham followed up with Chief Falco, receiving a letter from the Matawan Township attorney. Richard Gantner Esq., leaving the decision of the waiver requirements to the discretion of the Commission.

Commissioner Sharrock, on behalf of the Standards Committee moved and seconded a motion to approve the waiver request, to waive the officer from the physical assessment and physical training components of the course He must complete all other course components. In addition, the Commission needs to see that Chistopher Stark was removed from the Central Drug Registry.

3. Commissioner Sherrock indicated that **Agenda Item 7A** Instructor Matters Bergen County Police Academy

On November 17 and 21, 2023, Commission Staff received two anonymous letters, related to alleged instructor misconduct at the Bergen County Police. A meeting was held with representatives from the Bergen County Prosecutors Office to discuss the allegations. and an internal investigation was launched by the Prosecutor's Office. During the course of this investigation, the Commission issued a temporary suspension of the Bergen County Police Academies PTC Certification. On January 16,2024 the temporary suspension was lifted by the Commission.

At the conclusion of the internal investigation, PTC investigators and this writer had the opportunity to review the investigative findings. The internal report did not find any criminality on the part of the instructional staff; however, it was noted that the staff may have violated PTC Rules and Regulations related to the instructor's actions. Administrator Cunningham then directed Chief Investigator Byrd and his unit to conduct a administrative review of the instructor's conduct. An exhaustive review of all materials was conducted along with numerous personal interviews with the involved imitational staff.

On March 7,2024, Administrator Cunningham received a report from Chief Investigator Byrd detailing the actions of the instructors, inclusive of Academy Director Bret Rothenberger and Deputy Director Damian Pope. As part of findings it was determined that the Bergen Police Recruits were taken to the Ramapo Reservoir on a run, following the run the recruits swam in the reservoir, an area which prohibits swimming. The swimming was not part of course, nor was it approved as part of the course calendar. In addition, the academy staff did not put any safety measures in place, inclusive of floatation devices, ring buoy's, throw lines. reach poles. or a boat in the water. Most concerning about this matter is the fact

that this had been a routine event at the academy, in summer classes as well as, winter classes, when ice was clearly visible on the water.

Following the swimming, the recruits then held a barbeque at the park, an academy related event, which took place during instructional hours, and was not listed on the course calendar. During the barbeque alcoholic beverages were present, although staff denied any knowledge of alcohol being present, offering the excuse, "recruits were consuming beverages in red solo cups, we did not know the content of the cup".

The instructors perceived these events to be acceptable, primarily because they took place at the end of the academy class, this included the recruit parties attend by instructors, all prior to class graduation. Administrator Cunningham found the fraternization between instructors and recruits to be concerning, something that is prohibited in the Instructor Code of Conduct, as well as the Trainee Manual.

Commissioner Sharrock moved and seconded the motion to revoke and suspend the following:

- Director Bret Rothenberger and Deputy Director Damian Pope: Revocation of the Police Training Commission Instructor Certifications
- Instructor Daniel Affinito: Suspension of Instructor Certification, not to exceed six months
- Instructor Daniel Solares: Suspension of Instructor Certification, not to exceed six Months
- Instructor Christopher Petruno: Suspension of Instructor Certification, not to exceed six months
- Instructor Justin Wanco: No cause for action
- Civilian Susan Larson: Discontinuation of Instructor Certification, Ms. Larson has not taken MOI, and she was certified erroneously.
- Civilian Instructor Doctor Chiropractic Michael Golz: Revocation of Instructor Certifications.

**Commissioner Sharrock concluded the Standards Committee report.**

1. 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 3rd Quarter of State Fiscal Year 2024 have been 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 2024 LEOTEF Funds (35th distribution) are being reviewed as they are submitted. The 4th quarter of the 2024 State Fiscal year ends on 6/30. Quarterly reporting for the 4th quarter is due by 7/15.

2. Administrator Cunningham reported that **Agenda Item 9A was a Discussion** concerning Virtual Psychological Examinations



After a lengthy discussion, a motion was made to initiate the standard to resume in-person psychological examinations only, which will go into effect on October 1, 2024.

Commissioners Scott and Abbott opposed the motion. The motion was approved.

Commissioner Abbott stated that the position of the State Chief's Association is that each department should be able to decide if they want virtual or in-person psychological.

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

Administrator Cunningham stated that the PTC staff are diligently engaged in responding to telephone inquiries.

Administrator Cunningham announced that the state vehicles have been assigned, no issues have been reported.

Commissioner Nolan has requested additional information regarding the Licensing renewal procedure to be disseminated to the agencies. Administrator Cunningham is amenable to organizing seminars for the agencies to acquire further insights into the process.

Administrator Cunningham welcomed PTC's newest intern, Victoria Moussouttas.

Chief Investigator James Byrd of the Police Training Commission presented Field Representatives Dion Feltri and John Janowiak with outstanding service awards for their years of service and dedication to the Commission. The awards were well-deserved, as Feltri and Janowiak had both been instrumental to the Police Training Commission and police officers across the state.

Administrator Cunningham asked for a motion to adjourn the meeting at 12:12pm. Commissioner Sharrock made the motion and it was seconded by Commissioner Nolan.

**Administrator Cunningham announced the next meeting is Wednesday, August 7, 2024**