

Commission Meeting Number 361

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

POLICE TRAINING COMMISSION

Minutes of Commission Meeting

August 7, 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	Esther Suarez
Sheriffs' Association of New Jersey	Mark Spitzer
Police Academy Director's Association	Daniel Colucci
Commissioner-Department of Education	James Scaringelli
Commissioner-Department of Corrections	David Scott Dave Richards

Federal Bureau of Investigation

Tara Jerussi

Michael A. Ratta

NOBLE

Absent

New Jersey Juvenile Detention Association

Jorge Sandoval

New Jersey State Parole Board

Absent

Citizen Member—Governor’s Appointment

James Polos

Citizen Member—Governor’s Appointment

Alexander Shalom

New Jersey League of Municipalities

Ray Heck

New Jersey Jail Wardens Association

Oscar Aviles

New Jersey State Police

Jay Mandziuk

NJSTFA

Wayne Blanchard

Stephen Sobers

Montclair Police Department

Carmine Rivera

Passaic County Police Academy

Michael Luzzi

Montclair Police Department

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

Deputy Attorney General Marie McGovern, Office of Public Integrity & Accountability

Deputy Attorney General Edward Simonson, Office of Public Integrity & Accountability

Academy Coordinator Pat Jones, Police Training Commission

Academy Coordinator Forest Kairos, Police Training Commission

Analyst, Tykeria T. Lockhart, 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, Steven Settles, Police Training Commission

Field Representative, Aaron Erven, Police Training Commission

Academy Coordinator Unit Supervisor, Kathleen McSorley, Police Training Commission

Management Assistant, Dajhonna Collins, Police Training Commission

Curriculum Unit Supervisor, Tyeka Knight, Police Training Commission

Police Training Commission Meeting Minutes for August 7, 2024

Administrator John F. Cunningham called the 361th 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 June 5, 2024 Commission meeting. Commissioner Sharrock made a motion to accept the minutes. The motion was seconded by Commissioner Colucci. The Commissioners voted to approve the motion.

The commission reviewed three pieces of correspondence from The International Association of Chiefs of Police, International Association of Police, and IFP-Doctor Schlosser.

Administrator Cunningham read correspondence from International Association of Chiefs of Police. Who has requested for an extension regarding the October 1st deadline pertaining to psychosocial evaluations, cost considerations, and scheduling arrangements. Following an extensive deliberation, Commissioner Bordi made a motion to extend the October 1st deadline. The motion was seconded by Commissioner Spitzer. The motion did not pass.

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

1. Commissioner Lyons reported the following appeals were received since the June 5, 2024 meeting:

2A *Sara Toro v. Bergan County Sheriff's Office*

Settlement agreement

Commissioner Lyons, on the behalf of the Appeals Committee made motion to approve the settlement agreement. Commissioner Sandoval abstained. Motion passed.

2B Antwain Auletta v. JJC Academy

Recruit is appealing dismissal from the JJC Training Academy on July 14, 2023, due to a positive drug test result.

Commissioner Lyons, on the behalf of the Appeals Committee, moved and seconded a motion stating that the Commission takes no action on the matter.

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

3. Commissioner Lyons indicated that **Agenda Item 3B** was the PTC Law Enforcement License Suspensions. Commissioner Lyons, on the behalf of the Licensing Committee, moved and seconded the motion to suspend seventeen individuals. Motion passed.

4. Commissioner Lyons indicated that **Agenda Item 3C** was the PTC Law Enforcement License Denials. This was a staff denial of a PTC License. Carried to next meeting as the applicant will appeal the denial.

5. Commissioner Lyons indicated that **Agenda Item 3D** was the PTC Law Enforcement License Review.

N.J.A.C. 13:1-15.1 provides the Commission shall complete a preliminary review of information that could potentially provide grounds for licensure action. Accordingly, please accept this request that Agenda Item 3D include the preliminary review of information received by Commission staff to determine if further investigation is needed before taking any licensure action.

6. Commissioner Lyons indicated that **Agenda Item 3E** was the PTC Law Enforcement Licensing Application Review- Alternate Route Carmine Rivera, Montclair Police Department

On July 18, 2024, we received an inquiry from Chief Thomas Conforti, Montclair Police Department, concerning Alternate Route Carmine Rivera, currently enrolled at the Passaic County Police Academy. The Montclair Police Department has the intention of appointing Rivera to a full-time

position, however, Rivera reported submitting a fictitious Covid 19 Vaccination Record, while enrolled at Albany University in January of 2022. The University of Albany issued a disciplinary sanction, placing Rivera on probation for one year, April 2022 through May 2023. Rivera completed an Initial Licensing Application, disclosing the incident. Commission staff reviewed the Initial Licensing Application, along with documentation from Albany University. Upon review staff determined that Carmine Rivera is not eligible for a Law Enforcement License, based on the submission of false government documents. On July 31, 2024, a letter was sent to Chief Conforti explaining the reason, and detailing the appeal process.

Commissioner Lyons, on the behalf of the Appeals Committee, moved and seconded a motion to grant a conditional License for Carmine Rivera. Commissioner Colucci opposed motion, and Commissioner Sharrock abstained. Motion passed.

7. Commissioner Lyons indicated that **Agenda Item 3F** was the Runnemede SLEO II conditional license for Ricardo Figueroa. Commissioner Lyons moved and seconded to grant the conditional license for first renewal period. The conditions will be set by the PTC staff. Motion passed.

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

4A Consideration of a Request for an Extension for Training Time for Three Juvenile Detention Officers (Ocean County Juvenile Service)

4B Consideration of a Request for an Extension for Training Time for Three Juvenile Detention Officers (Middlesex County Juvenile Dentation Center)

Commissioner Lyons, on behalf of the Appeals Committee, moved and seconded a motion to approve all six extension requests, given they are enrolled in next class. The motion passed.

Commissioner Lyons 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 Method of Instruction Requirement for Radar Operators Course

The Method of Instruction requirement for the Radar Operator Course, which is agency-based training. In 2015 the original five-day Radar Instructors Course was reduced to a three-day course, the reduction resulted in the elimination of the MOI overview. Following the change to the course the standard MOI course was mandated for all Radar Instructors, however, we have become aware that several hundred radar instructors never completed the MOI requirement. The fact that seats in MOI, combined with the continued demand for radar operators, Administrator Cunningham is requesting that we waive the MOI requirement for the agency-based Radar Operators Course.

Commissioner Sharrock made a motion to approve the request to discontinue the Method of Instruction requirement for Radar Operators Course. Commissioner Sharrock moved and seconded a motion on the behalf of the Standards Committee to approve. The motion carried and was passed.

2. Commissioner Sharrock indicated that **Agenda Item 6A** Consideration of a Request for a Waiver of Training, Officer Tyhaira Matlock, Mercer County Department of Corrections

On July 19, 2024, Mr. Michael Amantia, Esq., Counsel, Mercer County Department of Corrections, submitted a letter requesting a Waiver of Training on behalf of Officer Tyhaira Matlock. On February 26, 2021, Officer Matlock tested positive for cannabis, following a return to duty medical examination. Officer Matlock was subsequently terminated from service, and filed an appeal with the Civil Service Commission (CSC). A hearing was convened, and a decision was issued by Administrative Law Judge Joan M. Burke, recommending a reduction in the termination penalty to a 24-month suspension. Due to CSC limitation on suspensions, not to exceed 180 days, Mercer County entered into a settlement agreement for a six-month suspension. The settlement was adopted by the CSC Merit Board on June 12, 2024, decision issued June 14, 2024.

In anticipation of the return to duty of Officer Matlock, Administrator Cunningham was contacted by Mr. Amantia, concerning the training requirements for an officer returning to duty after an extended period of time, over three years. Administrator Cunningham explained to Mr. Amantia 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. In the July 19, 2024, Mr. Amantia details the agency position that Officer Matlock be returned to duty without academy training.

Commissioner Sharrock, on behalf of the Standards Committee stated that the counsel appeared and has reached a settlement agreement. The waiver will exclude PT, and considered a partial waiver.

3. Commissioner Sherrock indicated that **Agenda Item 7A** was an Instructor Suspension for Brian Johnson.

Administrative Cunningham advised the commission that Instructor Brian Johnson has been suspended.

4. Commissioner Sherrock indicated that **Agenda Item 7B was an** Instructor Suspension for Stephen C. Jankowski

Administrative Cunningham advised the Commission that Instructor Stephen C. Jankowski has been suspended.

Commissioner Sharrock advised Administrator Cunningham to notify the Mercer County Police Academy, whose certification is up for renewal, is in jeopardy due to the facility not being up to par.

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 4th Quarter of State Fiscal Year 2024 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.

The 4th quarter of the State Fiscal year 2024 ended on 6/30. Quarterly reporting for the 4th quarter needs to be submitted by July 15th.

Administrator Cunningham reported that **Agenda Item 9A** was a Petition for Rulemaking: Screening for Sex Offenders in Law Enforcement.

Take notice that on or about June 19, 2024, the Police Training Commission (Commission) received a petition for rulemaking from Caleb L. McGillvary, requesting that the Commission amend the regulations pertaining to police licensing to require polygraph examinations to screen for non-convicted sexual offenders and other national security threats. Currently, the Commission's licensing requirements do not require polygraph examinations of law enforcement license applicants, as same is prohibited by N.J.S.A. 2C:40A-1 and exceeds the authority of the Police Training Act. The petitioner asserts that in order to address the significant public interest posed by the pressing problem of integrity in policing, the proposed rule should be added to the Commission's rules so to reduce corruption in New Jersey law enforcement. The petitioner argues that most sexual offenders have never been convicted and the Commission's rules need to create means to effectively screen for non-convicted sexual offenders. In accordance with the provisions at N.J.A.C. 1:30-4.2, a copy of this notice has been mailed to the petitioner, and the Administrator of the Commission will subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.

Deputy Attorney General Alessandra Baldini explained that the PTC cannot polygraph to that extent.

Commissioner Sharrock made motion to deny petition. Commissioner Blanchard seconded motion. Motion carried.

Administrator Cunningham reported that **Agenda Item 10A was Good and Welfare**
Administrator Cunningham introduced new Commissioners.

Administrator Cunningham announced the commencement of the licensing renewal process, which is currently progressing smoothly under the exceptional performance of the PTC staff. It is imperative to note that the deadline for the initial cycle is set for October 1st.

Administrator Cunningham welcomed Deputy Attorney General Marie G. McGovern back to the PTC.

Administrator Cunningham presented Commission Onofri with a certificate of appreciation for his service to the commission.

Administrator Cunningham asked for a motion to adjourn the meeting at 12:03 pm.
Commissioner Sharrock made the motion and it was seconded by Commissioner Colucci.

Administrator Cunningham announced the next meeting is Wednesday, October 2, 2024