

Commission Meeting Number 359

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

POLICE TRAINING COMMISSION

Minutes of Commission Meeting

April 3, 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 Ray Heck
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
Federal Bureau of Investigation	Michael A. Ratta

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
New Jersey League of Municipalities	Ray Heck
New Jersey Jail Wardens Association	Oscar Aviles
New Jersey State Police	Jay Mandziuk
Joseph Sentrogo, Sr	FOP
Andrew Mercado	FOP 174
John Facobucci	FOP 174
Jennifer Rueda	BCPO/BCPA
Kenneth E.	Bergan County
Leo Carrillo	Newark Police

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 April 3, 2024

Administrator John F. Cunningham called the 359th meeting of the Commission to order 11:47 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 December 6, 2023, January 16, 2024, and February 5, 2024 Commission meetings. Commissioner Sharrock made a motion to accept the minutes. The motion was seconded by Commissioner Nolan. The Commissioners voted to approve the motion.

Administrator Cunningham asked Chairperson Robert Nolan to report on the business of the Appeals and Legislation Committee.

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

2A *Christopher and Dominic Megna v. Passaic County Police Academy*

On October 4, 2023, the Commission heard Christopher and Dominic Megna’s appeal of their July 25, 2023 dismissal from the Passaic County Police Academy for cheating on a writing assignment. During the Megna brothers testimony, they admitted to cheating on an individualized writing assignment by working together, along with Christopher’s girlfriend, to complete the writing assignment. They then admitted to each submitting a copy of the assignment to the Academy as their own original works. While testifying, the Megna brothers raised several incidents they alleged occurred at the Passaic County Police Academy that were never addressed as evidence their dismissal was arbitrary, capricious, and unreasonable. The Commission reserved decision on their appeal pending further investigation into this matter. Supervising Investigator John Janowiak conducted the investigation. The investigation sustained the allegations that the Megna brothers cheated on their writing assignment. The investigation did not find sufficient evidence to sustain any of the Megna brother’s allegations regarding the Passaic County Police Academy.

Commissioner Lyons, on behalf of the Appeals Committee, moved and seconded motion to approve. The Commissioners voted to approve the motion.

2B *Justin Raab v. Cape May County Police Academy*

Justin Raab is appealing his May 2, 2023 dismissal from the Cape May County Police Academy. The matter has been adjourned several times. Mr. Raab was dismissed for the following violations of the Cape May County Police Academy Rules and Regulations:

- Dishonesty, Section III(8);
- Repeated Rule Violations Section II(A)(I); and
- Failing to Report a Law Enforcement Contact, Section II (B)(4)

Mr. Raab's appeal concedes that he did not report an April 30, 2023 contact with the Middle Township Police Department to North Wildwood Police Chief John Stevenson. The Cape May County Police Academy contends that Raab did not report his law enforcement contact to the Academy until May 2, 2023 and made false and misleading statements regarding a grass allergy to Academy staff. Mr. Raab also failed to keep a satisfactory Academy Notebook. Mr. Raab characterizes those charges as "half" a policy violation and a misunderstanding. Commissioner Lyons reported that this matter has been withdrawn.

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 the PTC License for fourteen individuals.

- Victor Bartoloma
- Nicholas Brett
- Teddy Cerra
- Brian Collins
- Anthony Cosma
- Myron Ford
- Jacob Harris
- Phillip Marino
- Vincenzo Martino
- Derek McGee
- Derek Navarro
- Jason Parks
- Jonathan Perez
- Israel Velez

3. Commissioner Lyons reported that **Agenda Item 4A 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 Three Juvenile Detention Officers (Middlesex County Department of Correctional of Correctional Youth Services)

Commissioner Lyons, on behalf of the Appeals Committee, moved and seconded a motion to deny the following extensions request for Ky'Yonah Pemberton, Michael Ruiz-Gomez, and Charles Hutchins.

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

Commissioner Lyons, on behalf of the Appeals Committee, moved and seconded a motion to approve all of the requests. Commissioner Sandoval abstained. The motion was approved.

Commissioner Lyons made a request to the full Commission, on the behalf of the Appeals committee for academies to conduct more Juvenile Detention Officer trainings.

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 Evaluation of the Methods of Instructions (MOI) Course

Over the past twelve months, Field Investigator Dan Brown has conducted a comprehensive audit, related to the Commission approved Method of Instruction Course (MOI). Investigator Brown was tasked with evaluating how the course is conducted throughout the sixteen Commission Certified Academies, with the primary focus on consistency in the instruction from academy to academy. The report details that the level of instruction, length of course, and the evaluation of students, varies by academy. The MOI Course is considered to be the "gold standard" as it relates to the development of quality instructors, it should not be considered as a pass through on your way to instructor certification. There are several recommendations included in the detailed report. The Commission should adopt a standardized course calendar (attached).

1. It is recommended that course be no less than six-day class, and capped ay 20 students, seven-day class capped at 25, with no class exceeding the 25-student cap.
2. Classes are not split into smaller groups to expedite the student preparations.

3. All student receives a standardized evaluation, grading them for prestation, as well as preparation.

The adoption of the above recommendations would create consistency amongst the sixteen academies, ensuring that only the most qualified receive certification, ensuring that the recruits receive quality instruction from quality instructors.

Commissioner Sharrock, on behalf of the Standards Committee, made a motion to approve the Method of Instruction recommendations as presented Commissioner Plumeri second motion. The motion carried and was approved.

2. Commissioner Sharrock indicated that **Agenda Item 6A** was Consideration of a Waiver of Training Pre- Academy Fitness Test Waiver for NJDOC to attend the Basic Course for Investigators (BCI)

The New Jersey Department of Corrections is requesting that their Investigators, required to attend the Basic Course for Investigators, be waived from the PTC Pre-Academy Fitness Test. In a letter dated February 20, 2024, NJDOC Chief of Staff Kristina E. Chubenko requests that their investigators be waived from the mandatory Pre-Academy Fitness Test, and be allowed to proceed into the BCI. The NJDOC utilizes the CSC Title of Investigator Secured Facilities, which requires individuals assigned to the Special Investigation Unit maintain certification in the BCI. The NJDOC investigators are required to complete the BCI in its entirety, inclusive of Instructional Unit 9.6, Defensive Tactics and Functional Area 13, Physical Fitness.

The NJDOC notes that the Physical Assessment is one impediment to recruiting female investigator candidates from the ranks within the department, although there is no empirical evidence to make the connection. The NJDOC details in the request; there were 34 female applicants, 18 were removed from the process prior to any physical assessment. The DOC has created several layers of review for the candidates, which then generates an internal list for selection, the PT Assessment is scored as pass/fail, therefore, it would have no impact upon a person's final ranking on the list.

The Commission rules require all candidates, basic and waiver, complete the Pre-Assessment, as a requirement to enter the academy, it establishes a baseline for fitness, as all candidates must complete Defensive Tactics to receive final certification. An individual's physical fitness directly correlates to their risk of injury during physically demanding training, the better physically prepared the lower the risk of injury.

Commissioner Sharrock, on the behalf of the Standards Committee, made a motion to deny the requested variations. Commissioners Dave Scott and Ray Heck abstained. The motion carried and was denied.

3. Commissioner Sharrock indicated that **Agenda Item 6B** was a Request for Certification for Bergen County Policy Academy.

PTC Field Investigator John Janowiak has examined the application for certification and confirmed the current validity of all information contained therein. All required attachments were included with the application, and was available for the Commissioners to review. School Director, Kenneth Ehrenberg, certified on the application that the Bergen County Police Academy will be administered and operated in accordance with the Police Training Commission policies, rules and standards.

Christopher Wenger, Firearms Coordinator, inspected the ranges and found them to be compliant with PTC standards.

Based upon staff inspection and approval of the certification documents, as well as inspection and approval of the school facilities, Administrator Cunningham recommended that the Bergen County Police Academy application for certification be approved for the three-year period from January 1, 2024 through December 31, 2026.

Commissioner Sharrock on behalf of the Standards Committee, made a motion to approve the Bergen County Police Academy Request for Certification. Commissioner Colucci seconded motion. Commissioner Lyons and Commissioner Sandoval abstained motion. The motion carried and was approved.

2. Commissioner Sharrock indicated that **Agenda Item 6C** was a Request for Initial Certification for Newark Police Academy.

PTC Academy Field Investigator, John Janowiak has examined the application for certification and confirmed the current validity of all information contained therein. All required attachments were included with the application, and were available for the Commissioners to inspect. School Director, Captain Leonardo Carrillo certified on the application that the City of Newark Police Academy will be administered and operated in accordance with the Police Training Commission policies, rules and standards.

PTC Field Representative John Janowiak met with Director Carrillo, inspected the physical facilities at the academy as well as at the satellite facilities, and found them to be compliant with the PTC requirements.

Based upon staff inspection and approval of the certification documents, as well as inspection and approval of the school facilities, the academy meets all of the physical plant requirements. It should be noted in accordance with Title 13:1 -3.1, a municipal academy would be required to have a state, county, or institution of higher learning as a partner to receive certification; however, the Commission has the authority under Title 13:1-2.1 to waive that requirement. Administrator Cunningham has met with representatives from the City of Newark on numerous occasions, and found them to be sincere in their efforts to operate an academy in compliance with Commission Rules, Regulations and Policies. Administrator

Cunningham recommended that the Commission approve a Probationary Certification which would permit the City of Newark Police Academy to operate for one year from the date of their initial Basic Course for Police Officers. The Probationary Certification would allow the Commission to assess compliance with Commission Standards, and evaluate the quality of training delivered. At the end of the twelve-month period, staff would submit a detailed report. The Commission can then evaluate any recommendations in reference to the certification of the Newark Police Academy.

Commissioner Sharrock, on behalf of the Standards Committee, moved and seconded a motion to approve the Certification, with the following stipulations:

- Cannot start prior to September, 2024
- Classes capped at 50 recruits
- Not permitted to run more than 2 (two) BCPO classes per year

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 1st and 2nd 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.

Application/award packages for SFY 2024 LEOTEF Funds (35th distribution) are being reviewed as they are submitted. The 3rd quarter of the 2024 State Fiscal year ends on 3/31. Quarterly reporting for the 3rd quarter is due by 4/15.

2. Administrator Cunningham reported that **Agenda Item 9A** was the Rules Adoption on Social Media.

AAG Steven Wager informed the Commissioners on the details of the Social Media Rule. Commissioner Sharrock made a motion to approve the Rules Adoption on Social Media. Commissioner Polos seconded the motion, motion carried.

3. Administrator Cunningham reported that **Agenda Item 9B** was Proposed Rules Changes, NJAC:13-8.1.

The Commission is proposing amendments to N.J.A.C. 13:1-8.1 and 10.7, which address the continuing need for training standards for law enforcement recruits. The proposed rules are practical to allow the Commission the ability and flexibility to administer the functions of the Commission, while also clarifying processes, language, and terminology for consistency within the Police Training Commission Rules and the Police Training Act.

After a lengthy discussion, Commissioner Colucci made a motion to reject the rule change proposal. Commissioner Sharrock seconded the motion. The motion to reject the rule change proposal carried.

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

Administrator Cunningham introduced and welcomed two new PTC employees. Hearing Officer Wayne J. Forrest, and Training Technician Carmen Rabottino.

Administrator Cunningham announced that the state vehicles have been delivered to Treasury and are awaiting licenses plates.

OPIA Director, Thomas Eicher was presented with a Certificate of Appreciation for his service to the Commission and announced his retirement.

Administrator Cunningham asked for a motion to adjourn the meeting at 12:26pm. Commissioner Sharrock made the motion and it was seconded by Commissioner Nolan.

Administrator Cunningham announced the next meeting is Wednesday, June 5, 2024