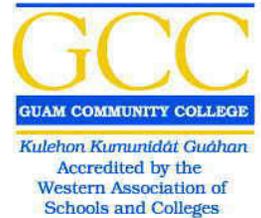




PEACE OFFICER STANDARDS TRAINING COMMISSION
P.O. Box 23069 GMF, Barrigada, Guam 96921
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POST COMMISSION MEETING NOTES
Training Room 5108, Student Center, GCC
Thursday, February 13, 2014

I. Called to order. Chief Bob Camacho called the meeting to order at approximately 9:15 a.m. Member-agencies in attendance were: Chief Robert “Bob” Camacho, Guam Airport Authority (Chairman); Major Vincent Perez, Div. Chief, Customs and Quarantine (Vice Chairman); Mr. Dennis Santo Tomas, Executive Director, P.O.S.T., GCC; Chief Fred Bordallo, Guam Police Department; Mr. Monty May and Mr. Basil O’Mallan, Office of the Attorney General; Mr. Tom Masga, Marshal and Mr. John Q. Lizama, Chief, Unified Guam Judiciary Marshal; Captain Joey Manibusan, Guam Fire Department; Mr. David Esplana, Port Police; Mr. Joe San Agustin, Director, DOC; Mr. Adonis Mendiola, Director, DYA; Ms. Therese Terlaje and Dr. Ron McNinch, UOG; Mr. Michael Reyes and Mr. Frankie Quinata, DAWR.

Others in attendance: Lt. Governor of Guam, Ray Tenorio; Ms. Sheena Black; Ms. Jean C. Camacho, Mr. Gregory F. San Miguel; Mr. Raffaele Sgambelluri; Mr. Pedro A. Leon Guerrero, Jr.; Mr. Antone Aguon; representatives from GPD: Sgt. Elizabeth Flickinger; Peter D. Wolford, James Menin, Arnold Fabriga, Ellery M. Paz, Taralyn Santos, Jessica Taitague, Kalandie Martinez, Jake Palacios, John Pascual, John Barcinas, Herman Roberto, Anthony Quenga, Ernest Budomo, Raymond Perez, Lt. D. Flickinger, Mariano Sayama, Thomas Higa, Alex Chan, James Esperan, Norma Diaz.

Document(s)/Packet: 10/24/13 Meeting Minutes and 2/13/14 Agenda; Proposed Guam Peace Officer Standards and Training Administrative Rules (updated version); copy of the 17 GCA, Chapter 32, were provided.

At this time, Chief Bob Camacho informed members that members would still be given an opportunity to provide further input to the updated version of the proposed P.O.S.T. Rules and Regulations submitted during today’s meeting. However, Chief Camacho reminded everyone of the P.O.S.T. Commission enabling law concerning only those listed as voting P.O.S.T. members will be allowed to make motions and to vote. Although there are non-voting members, all will be recognized during discussions. Chief Camacho requested that during said discussions, individuals will identify themselves on the floor and voting members will consider their input for motions.

Chief Bob also pointed out the mission of the P.O.S.T. Commission is to provide standards and that any internal training would still need to be certified. That after months of meetings and giving ample time for everyone to provide input, the goal is to finalize the P.O.S.T Rules and Regulations so that we can move forward and submit the final version to the Guam Legislature.

II. General Welcome to Lt. Gov. Ray Tenorio. Lt. Gov. was welcomed to today's meeting and participated in discussions concerning the latest draft of the P.O.S.T. Rules and Regulations. The Lt. Gov. mentioned that the goal is to work together to finish the draft and for everyone to provide input to reach that goal.

III. Approval of Minutes from previous meeting.

M/S/C (AG-Basil O'Mallan/ Judiciary-Marshal T. Masga): Move to adopt the meeting notes of 10/24/13, subject to corrections. Unanimously approved, motion adopted.

IV. Committee Reports. None reported.

V. Unfinished Business

1. Guam Peace Officer Standards and Training Administrative Rules. Members were provided a copy of the latest proposed POST Rules and Regulations, which was previously emailed. A screen was also set up to show changes as motions were made.

The following discussions and motions followed for each section:

§ 3001, Peace Officer Training and Standards Commission: No Change.

§ 3002, Authority:

M/S/C (GPD-F. Bordallo/Judiciary-Marshal T. Masga): Move to adopt and add "or Training Programs" to the title under Subsection (b), Standards for Training Institutions, which will now read "Standards for Training Institutions or Training Programs." Unanimously approved, motion adopted.

Sheena Black made a suggestion and motion was made with additional input by DOC Director Joe San Agustin, as follows:

M/S/C (DOC-J. San Agustin/ Judiciary-Marshal T. Masga): Move to adopt and add after the word incompetence under Subsection (c), Decertification, which will now read, "incompetence in carrying out their duties and responsibilities; inability to maintain their mental, moral or physical fitness." Unanimously approved, motion adopted.

M/S/C (DOC-J. San Agustin/GPD-F. Bordallo): Move to adopt and to delete the word incompetence and add failure under Subsection (c), Decertification, which will now read, "failure in carrying out their duties and responsibilities; inability to maintain their mental, moral or physical fitness." Unanimously approved, motion adopted.

§ 3003, Peace Officer Categories:

GPD Bordallo asked the AG if Civilian Police Reserve Officers are included as Peace Officers under Title 17, GCA. AG Monty May mentioned it is under Subsection 51101(a) of Title 17, GCA.

There was discussion whether peace officers under Category 2 and 3 should also take the oath to uphold the law as in Category 1. It was discussed that under the law, certain officers are already sworn personnel. Also discussed that it depends on what category a person is listed under. For example, the Entomologist would not be required to take said oath, as a Fire Safety Inspector should be sworn to take the oath.

§ 3003, (a) Category 1: At this point, a screen was also set up to show changes as motions were made. The Lt. Governor pointed out changes to Category 1, which were reflected on the updated version.

M/S/C (Judiciary-Marshal T. Masga/GPD-F. Bordallo): Move to adopt the amendments in Category 1 as proposed and the following amendment, subject to corrections:

1. First line on the top, a Civilian Volunteer Reserve. To add, "as authorized by law per agency."

T. Masga pointed out that not all the agencies have a reserve, although the Marshal's Office and Airport Police does.

2. Special Deputy Marshal should be under Category 3 instead of Category 1.
3. Parole Officers do not fall under the Marshal's and should be under DOC.
4. Suggestion by F. Bordallo: every sworn officer from entry level to highest rank; under item #1. Guam Police Department, Civilian Volunteer Reserves, etc., same as DOC, etc., making it clear for each agency, to add "such as..."

Unanimously approved, motion adopted.

M/S/C (GFD-Joey Manibusan/GPD-F. Bordallo): Move to adopt the following: GFD Arson Investigator to add to Category 1 and remove from Category 2. Unanimously approved, motion adopted.

T. Masga questioned if an Arson Investigator will be required to conduct investigation and go through the same training requirement. J. Manibusan said yes, as it is required; that all U.S. jurisdictions require this and that he meets the majority of the requirements.

M/S/C (GPD-F. Bordallo/GFD-J. Manibusan): Move to adopt the following, subject to corrections:

1. T. Masga amendment: under Category 2, sentence #2, "They may use non-lethal force to restrain an arrestee and lethal force if necessary to protect themselves or others." To add same language to Category 1 and Category 3 for consistency.

2. F. Bordallo amendment: to add Detention Officer, before Police Officer, delete from Category 2.

Unanimously approved, motion adopted.

§ 3003, (b) Category 2:

DYA Director asked why DYA was excluded in the law. Was explained that it is the law.

M/S/C (GPD-F. Bordallo/GFD-J. Manibusan): Move to adopt the following:

1. F. Bordallo amendment: Remove classified and unclassified employees and just make it “employees of the Government of Guam” under Category 2. Unanimously approved, motion adopted.

At this point, AG B. O’Mallan pointed out to be careful who is added into the categories by virtue of the statute of Section 51101(b) of Title 17, GCA. Category 1 is acceptable so far. B. O’Mallan then read the list and that the list should fall under the groups listed in this statute. Contractors should not apply. It designates Government of Guam peace officers.

M/S/C (AG-B. O’Mallan/GPD-F. Bordallo): Move to adopt that within the three (3) categories, reconcile the list to make sure it completely conforms with Title 17, Guam Code Annotated, Chapter 51. Unanimously approved, motion adopted.

After discussion, Mayors, Vice Mayors and Entomologists are excluded from the list. The list will be further reviewed.

M/S/C (DOC-J. San Agustin/GPD-F. Bordallo): Move to adopt to delete from the list #5 from Category 2 to Category 1. Unanimously approved, motion adopted.

M/S/C (GPD-F. Bordallo/GFD-J. Manibusan): Move to adopt Category 2 as written, subject to corrections, and with amendments in line with Title 17, Guam Code Annotated, Chapter 51. Unanimously approved, motion adopted.

Suggestion for an amendment by Therese Terlaje to remove what peace officers may or may not use such as use of non-lethal force, etc. These are already part of their job descriptions, and should be deleted because they are already mandated and the proposal is just for the Rules and Regulations.

M/S/C (GPD-F. Bordallo/AG-B. O’Mallan): Move to adopt the paragraph of what peace officers may or may not use such as use of non-lethal force, etc., in the paragraphs before each categories. Unanimously approved, motion adopted.

M/S/C (GPD-F. Bordallo/DOC-J. San Agustin): Move to adopt Category 2 as written with additional amendments and subject to corrections. Unanimously approved, motion adopted.

Some discussions: Fire Chief is not designated in Title 17 Guam Code Annotated, Chapter 51. The AG informed the commission that DYA wanted it clear that he does not have to be designated as a Category 2 peace officer. Just want to be a director without the requirements.

M/S/C (AG-B. O'Mallan/GPD-F. Bordallo): Move to adopt changes, subject to corrections:

- 1. Amendment by AG: Under paragraph, Category 2, subsection 3: "All Guam Fire Department Fire Fighter personnel engaged in the enforcement of the Fire Prevention Code, and those GFD employees whom the Fire Chief specifically designates."**
- 2. Amendment by AG-B. O'Mallan: exclude Fire Chief and other modifications in line with Title 17, Chapter 51.**

Unanimously approved, motion adopted.

§ 3003, (c) Category 3:

Concerning the peace officer list per Title 17, Chapter 51, the following was discussed: CAPE was questionable but are sworn officers, so they are included; Special Deputy Marshal was also questionable. T. Masga explained they are sworn but do specific functions, but are included. Revenue & Taxation was questionable but designated under a section of the law read by Marshal T. Masga, however, still need to be clarified. AG will check into this.

M/S/C (AG-B. O'Mallan/GPD-F. Bordallo): Move to adopt the following, subject to corrections:

- 1. Amendment by AG-B. O'Mallan: exclude the following from the list, DOC Case Worker, (DOC Rehab remains); Mayors, Vice Mayors, Entomologist and modifications in line with Title 17, Chapter 51.**
- 2. Amendment by AG-B. O'Mallan: include Revenue and Taxation until such time it is clarified it may not be included in the peace officer list.**
- 3. Amendment by AG-B. O'Mallan: In the paragraph under (c) Category 3, the first sentence, the line after job description to be deleted up to and within the scope of the agency mission."**

Unanimously approved, motion adopted.

M/S/C (GPD-F. Bordallo/DOC-J. San Agustin): Move to adopt Category 3 as written with amendments and subject to corrections. Unanimously approved, motion adopted.

Section 3004: (No change)

M/S/C (GPD-F. Bordallo/AG-B. O'Mallan): Move to adopt Section 3004, as written.

Unanimously approved, motion adopted.

Section 3005:

There were discussions of a psychological evaluation, including costs, and Title 17, Chapter 51, Section 51104(b). Some members want to delete this portion but AG advised to be cautious in what to delete. Requirement could be post-selection. AG mentioned why hire and then later is not psychologically fit. Issue also brought up that psychological evaluation should be noted before being hired.

M/S/C (GPD-F. Bordallo/AG-B. O'Mallan): Move to adopt, subject to corrections, as follows:

- 1. Amendment under subsection (a), Clearances, delete clearances but just leave "police, court, and traffic clearances."**
- 2. Amendment under subsection (c), Physical and Psychological Fitness: changes were made to this section, as written.**

Unanimously approved, motion adopted.

There was also a question about Veterans, whether their military evaluation will be accepted by P.O.S.T. This could be done if changing the law.

This was a recommendation that was tabled for further discussion:

1. Under Section 3004, subsection (c), Physical and Psychological Fitness, to add to Physical and Psychological Fitness after ... "or as deemed appropriate, and" ADD: a certificate indicating the absence of a mental or emotional condition that will adversely affect their performance as conducted by a P.O.S.T. recognized or approved provider.
2. Under Section 3004 with regards to the first paragraph: "An applicant who requests the Commission to review education and training transcript and/or certificates to determine if they meet an equivalency to Commission standards must provide the following":

2. Physical Fitness Standards. No discussion.

VI. New Business. *(None)*

VII. Announcements. *(None)*

VIII. Round Table Discussion. *(None)*

IX. Next Meeting Scheduled-9AM, Thursday, February 21, 2014.

X. Adjournment: M/S/C (GPD-F. Bordallo/CQA-Vincent Perez): Move to adjourn meeting at approximately 11:55 a.m. Unanimously approved, motion adopted.

/s/B.M. Guerrero
3/21/14