



PEACE OFFICER STANDARDS & TRAINING COMMISSION

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P.O.S.T. COMMISSION MEETING MINUTES Thursday, December 15, 2016

I. Called to Order. The P.O.S.T. (“POST”) Commission meeting of December 15, 2016 was called to order at 1:35p.m. by Mr. Robert “Bob” Camacho, Chairman, held in the Guam Community College Learning Resource Center (Library) Room 112 in Mangilao, Guam.

Roll Call by Agency/Department:

Member-agencies:

1. Mr. Joseph Cruz, Chief of Police. Guam Police Department;
2. Mr. Robert “Bob” Camacho, Chief, Airport Police;
3. Mr. Chris Roberto, Asst. Chief; Guam Port Police;
4. Mr. J. Basil O’Mallan; Mr. Anthony Blas, Guam Attorney General’s Office;
5. Mr. Vincent S.N. Perez, Asst. Chief; Mr. Raymond Blas, Mr. Michael Camacho, Guam Customs & Quarantine Agency (CQA);
6. Mr. Alberto Lamorena; Mr. Antone Aguon, Department of Corrections;
7. Division of Aquatic & Wildlife Resources, Dept. of Agriculture (no attendance);
8. University of Guam (no attendance);
9. Mr. Dennis Santo Tomas, Program Specialist, Guam Community College, and Executive Director, POST Commission.
10. Mr. Vince Naputi; Mr. Joey Terlaje, Unified Courts of Guam Judiciary, Marshal’s Division;
11. Lt. A.P. Concepcion; Lt. I.P. Campos, Guam Fire Department;
12. Mr. Anthony Toves; Ms. Trisha Suzuki, Probation Division, Unified Courts of Guam Judiciary;
13. Personnel Services Division Administrator, Department of Administration (no attendance);
14. Mr. Adonis Mendiola, Department of Youth Affairs.

Other agencies:

See attached sign-in sheet.

II. Announcements and Documents Received. Document(s)/Packet: 11/3/16 Meeting Minutes; 12/15/16 Agenda; Email from POST Chairman.

III. Approval of Minutes from previous meeting of November 3, 2016.

MOTION

M/S/C (AG-O'Mallan/GPD-J. Cruz): Move to approve Meeting Minutes of November 3, 2016, with corrections. Unanimously approved, motion adopted.

B. O'Mallan mentioned he asked that the Commission formally requested for representatives from the Department of Administration to attend POST Commission meetings due to issues being brought up relating to Guam DOA Personnel Rules & Regulations and repeated said request.

As an update, the Executive Director informed the Commission that he has contacted DOA to have a representative present and was informed someone will be present. He anticipated someone was to attend today's POST Commission meeting.

IV. Executive Director. Dennis Santo Tomas mentioned, the following:

1. He has been sending out emails as a reminder with regards to the fitness testing and appreciate those who have submitted their agency's results.
2. He has been receiving requests for POST Certification from individuals with regards to their academic and training review to include Prior Learning Assessments of outside of normal training cycles, or out of Guam's jurisdiction.

The Chairman asked if there are other issues that have yet to be resolved as far as for those who have gone through an agency's academy such as GPD or Customs.

There were discussions:

- GPD mentioned the only issue it has is with funding constraints. That GPD utilizes the Department of Labor Apprenticeship program to fund the CJ Academy.
- That GPD currently has officers that are POTs and trying to get to PO1 status.
- Would need to figure out a solution with DOA, if the Commission can sanction the Apprenticeship Program with DOL, would this be acceptable to DOA.
- Although the curriculum is at GCC, the OJT certification of 2,000 hours is issued by DOL.
- Issues like this affects all that use the Apprenticeship Program, which is why DOA's presence is important during the Commission meetings.
- AG asked the turnaround/timeframe for review and certification. The Executive Director mentioned it depends on documents submitted and pending.
- The Executive Director mentioned obtaining GCC documents for certification is accessible, and should not be a problem. However, for those that do not attend GCC, documentation justifying hours with the OJT is still required.
- The AG asked if the Commission will review all employees who have been employed with an agency over a long period. The Executive Director mentioned that certifications are done upon requests.

V. PFQT Updates

1. Attorney General Remarks on changes to the PFQT.

B. O'Mallan mentioned the following:

-He has reviewed the POST Statutes and the Rules and Regulations and said adjustments can be made as necessary, however, as far as a formal AG Opinion, this is currently being reviewed by the Attorney General of Guam.

GPD Chief Cruz mentioned the following:

- He referred to Public Law 32-232, Chapter 30 of the POST Commission Administrative Rules and Regulations, §3005, that allows the Commission to make amendments to the PFQT test. Anticipate this can be done without going through the Legislature.
- AG O'Mallan agreed and mentioned the importance of the formal Opinion of the Attorney General of Guam that the POST Commission can make amendments without going through the Legislature. Will have to wait on this.

2. Department/Agency Briefing of PFQT Testing of Officers to date. At this time, the following agencies submitted its PFQT review.

GPD Chief reported the following:

- As reported during the last POST Commission meeting in November 2016, GPD ran its 4th diagnostic physical fitness qualification test for year two (2).
- Said this is a 3-year plan.
- Based on the original AFI, results show GPD only increased by an additional 2%.
- Passing the original AFI, 33% passing

The adjusted testing was done by GPD Officer Brantly, a certified physical fitness coordinator, who attended Cooper Institute who reported the following:

- Abdominal circumference was omitted.
- Tested with a distance of one (1) mile.
- Example:

Male, below 30 yrs. was tested.

- o Individual had 13 minutes, 42 seconds to complete a one (1) mile run, no point component given.
- o 1 minute push-ups and 1 minute sit-ups: push-ups to complete is 44; 46 sit ups.
- o Out of thirty (30) participants, 17 passed.

- Approximately 54% passing, GPDs position is to adopt the adjusted standards.
- B. O'Mallan asked GPD if the adjusted standards are appropriate for performance based and for testing law enforcement officers if they are physically fit.
- Officer Brantly said this is a fair testing. The GPD Chief concurred.
- Those tested were male and female officers and were randomly selected by a computer.
- Youngest tested was 23 yrs. to 73 yrs. of age.

Fitness and Wellness Coordinator Mr. Roy Hanes from the Judiciary reported for Marshal and Probation:

- Initial testing was with AFI standards in 2015 with 40% passing.
- Modified testing resulted in 65% passing and 90%.
- 145 officers were tested.

Port reported:

- 42% of all officers passed the modified standards.
- With the new standards, 42% passed all the components.
- Breaking this down, 50% passed the sit-ups; 64% passed the push-ups; and 64% passed the running component.
- Believes new standards are achievable.

Capt. Aguon from DOC reported:

- With the modified standards, out of 218 officers tested in November, 60% passed.
- Prior to the modifications, 22% passed; another test was conducted with 35% passing.

Customs reported:

- Did not test with first standards that had the 1.5 mile run due to lot of issues and challenges.
- Out of 118 officers, 91 were tested with the modified standards with approximately 77% passing.
- Another testing will be conducted tomorrow Dec. 16, 2016 as a make up for those who were not tested.
- Push-ups and the sit-ups were the most difficult; the run was o.k.
- A one-mile walk with the two-mile time with the AFI standards was even implemented.

GFD reported:

- With the original standards first tested, 30% passed, 70% failed.
- With new standards, 95% passed.
- A total of 95 officers were tested, still have others that need to be tested.
- B. O'Mallan asked the same question posed to GPD if the new standards were sufficient requirements for testing. GFD said he believes they are sufficient.

AG's Fitness Coordinator reported:

- AG's office consist of 18 investigators from under 30 yrs. to over 60 yrs. of age.
- A test with modified PFQT was conducted last week with 85% passing.
- 11 were tested.

Chief Bob Camacho, Airport Police reported:

- With previous testing the Airport was at 16% passing but increased by 48% passing.
- Most everyone passed the run and push-ups; challenging was the sit-ups.
- 48 were tested.

At this time, the Chairman mentioned that overall with what was presented today, the modifications is a positive change and once again the Commission is reaching out to the Attorney General of Guam in providing a formal opinion as to how move forward in implementing modifications to the current POST Commission standards.

The Chairman further mentioned:

- At this point with results showing a positive impact, that it is important for agencies to continue with its health and wellness programs.
- Collaborate with Public Health or other organizations in assisting, especially those who did not pass the test, such as conducting health screenings.**
- Provide additional exercise programs.**
- To achieve at least 90% passing across the board as a goal for 2017 but up to agency heads to determine this.
- Believes ratings will go up and is more achievable with the modifications.
- Happy agencies are doing better with the modifications.
- For agencies to consider incentives for passing, some type of award system or certificate. For example, as in the military, if you are marksman, maybe a badge, pins, etc., to help motivate and inspire. Consider as an end of the year award.**

DYA reported:

- Has 50% passing, prior to this was 30%.

GPD Chief Cruz mentioned the following:

- Per Public Law 32-232, deadline to be in compliant as peace officers is December 30, 2017.
- Intent to put in a general order with GPD, using the modified test #2 that Officer Bradley reported for GPD to start the first record Physical Fitness Qualification Test in January 2017.
- Per the AFI, need to give employees at least 90 days before officially retesting.
- Should a GPD officer not pass the first time, the officer will be given 90 days to retest.
- Officers who do not pass will be counseled in writing, to be aware they do not meet the standards.
- It sets up for progressive discipline, should someone be decertified, at least the progressive discipline was done in the event of grievances before the Civil Service Commission.
- That although the AG has not given its Opinion regarding the modifications, this is what GPD will be utilizing.

Chief Bob Camacho asked the agencies to do the same and have a progressive report in June 2017 as an update of percentages failing and passing.

A recommendation was made for the Executive Director, as follows:

- Develop a calendar for everyone to use as a basis to be consistent such as when to submit reports, etc.
- In line with the recommendation by the Chairman regarding collaborating with agencies/organizations for health and wellness programs, the Director could contact the various health care providers to assist.
- Health care providers to conduct workshops at each agency instead of seeking these workshops individually.

Other discussions:

- DYA suggested collaboration between agencies. To maybe have individuals tested at other agency's testing site should an individual miss a required testing date.
- B. O'Mallan reminded everyone that there are Personnel Rules and Regulations for employees. Wanted everyone to be clear on this that employees have rights and should adhere to these Rules and Regulations. That as the Chief suggested, start your testing in January and report in June.
- A POST Commission event calendar was again suggested.
- Relating to incentives, GPD mentioned that part of its strategic plan is to work with DOA to mirror what the military utilizes in implementing the PFQT as part of its promotion.
- That DOA should regularly attend the POST Commission meetings for issues such as this.
- Agrees with other incentives, certificates, but with this incentive believes this will motivate individuals to want to pass the test.
- GPD would like to see this in the Personnel Evaluation for increments.
- The Chairman also mentioned that during the upcoming POST Commission meetings, the issue of an individual with a medical profile has to be addressed. More research has to be conducted because this is a problem that can affect salaries.

DOE reported the following:

- DOE has Special Deputy Marshals trained by the Judiciary Marshals Division. This is not part of the SRO program.

- Asked if there is a change with Category II peace officers not being required to do the PFQT.
- Information he heard is this was omitted.
- The Chairman mentioned this is still a requirement but will check on this to confirm.

Further discussions:

- Issues were brought regarding individuals with disabilities.
- There are steps to take for accommodations and possible termination if an individual is unable to perform their duties.
- That this is a sensitive issue and all agencies are experiencing this.
- There should be more awareness regarding this and should be fair across the board.**

3. Vote to adopt new standards. Voting was postponed due to awaiting a formal Opinion from the Attorney General of Guam.

VI. Announcements. None at this time.

VII. Next Meeting Scheduled. January 26, 2017, LRC Room 112.

VIII. Adjournment.

MOTION

M/S/C (Office of Attorney General/Guam Police Department): There being no further discussions, the meeting adjourned at approximately 2:32pm.

/s/

Dated this 23rd day of February 2017.

Bertha M. Guerrero
Recording Secretary