



**PEACE OFFICER STANDARDS & TRAINING COMMISSION
(P.O.S.T.)**

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**P.O.S.T. COMMISSION MEETING MINUTES
Thursday, May 11, 2017**

I. Called to Order. The P.O.S.T. (“POST”) Commission meeting of May 11, 2017 was called to order at 1:35 p.m. by the Chairman, Mr. Robert “Bob” Camacho, Chief of the Guam Airport Police, held in the Guam Community College Learning Resource Center (Library) Room 112 in Mangilao, Guam.

Roll Call by Agency/Department:

Member-agencies/other agencies: Please refer to the sign-in sheet.

Documents Received. Document(s)/Packet: 5/11/17 Agenda; 4/27/17 Minutes; GPD discussion paper.

II. Approval of Minutes from previous meeting of April 27, 2017.

MOTION

M/S/C (Port Police/GPD): Move to approve Meeting Minutes of April 27, 2017, with corrections. Unanimously approved, motion adopted.

III. Chairman Remarks. The Chairman mentioned, the following:

- a. AG Opinion on PFQT Adjustments
- b. PFQT remains status quo - equivalent to U.S. Air Force Fitness Test

IV. PFQT Updates from departments/agencies

GPD Chief J. Cruz at this point informed the POST, as follows:

-Based on discussions from the last POST meeting, the Chairman asked for departments/agencies to prepare a discussion and submitted a discussion paper and a PowerPoint presentation to coincide with the paper.

- Chief Cruz further mentioned the presentation will show the progression of a 3-year plan implemented in December 2014.
- To present four (4) major recommendations by GPD.
- Recommendation is to extend the deadline for another two (2) years to be compliant based on the modifications.
- Chief Cruz also explained that there were discussions during past meetings it was agreed to develop a subcommittee within the Commission as was brought up by Mr. Hanes and Marshal Naputi.
- The recommendation was to form a subcommittee for physical fitness comprised of the different agencies.
- Recommendation is representatives from the agencies will be part of a Research and Development (R&D) team.
- The Chairman asked if this eliminates the Air Force standards.
- Chief Cruz explained that the team has to get together and develop a physical fitness program.
- He further explained from the GPD's perspective (opinion) the following:
 - That the intent of Public Law 32-232 specifically to the PFQT, only references Chapter 3 of the entire AFI.
 - That there are 10 Chapters in its entirety.
 - Chapter 3 is only one, which is the assessment.
 - The other Chapters support the assessment piece.
 - That the assessment piece is what is missing in this particular program (Public Law 32-232).
 - PL 32-232 just adopted (by "cookie cutter") the Air Force plan and made it a Government of Guam physical fitness plan and saying everyone is to follow the Air Force plan.
 - PL 32-232 did not take into consideration that Chapter 3 is not the only thing to be considered.
- Chief Cruz further explained that within the law enforcement community, there are a lot of things that are not supported by Government of Guam but are supported by the Air Force in all the Chapters in the AFI.
- Chief Cruz mentioned that for the Legislature to say here is the assessment, you have this PFQT to pass, the push-ups, sit-ups, abdominal measurement and a time run, etc., without taking into consideration that nine (9) other Chapters supports this one chapter (Chapter 3) for success in Chief Cruz's opinion is erroneous.
- This sets up the Government of Guam law enforcement community for failure.
- GPD currently has a seventy percent (70%) failure rate with the current AFI. Need to modify this.
- Recommends to follow the second modification and the R&D Team in the meantime should develop a plan to still model the "intent and spirit" of the AFI and not mirror it.
- Chief Cruz mentioned that Officer Bradley, GPD's physical fitness coordinator, who has been trained by the Cooper Institute, agrees the second modification is sufficient and meets the intent of the AFI and of what has to be accomplished.
- To continue testing with the second modification until the R&D team can develop a viable physical fitness program with a true assessment.
- The Executive Director mentioned this at least establishes a baseline and Chief Cruz agreed.
- The Chairman also mentioned that it should be noted that the second modification will continue to be utilized until the R&D team can develop another plan that models the AFI.

The Port Authority Police at this time mentioned they stand and agree with GPD's recommendation.

At this time, Guam Customs also concurs with GPD's recommendations.

V. Proposed Verbiage for PL 32-232 (Bill No. 418-32 [COR]) to authorized P.O.S.T. Commission to make changes, as necessary, to the PFQT.

Mr. Monty May from the Office of the Attorney General commented on the following:

1. Read the proposed verbiage and the need for the inclusion of the proposed standard, which should be lengthy. That the proposed standard should be made reference to. Does not recommend the verbiage that the Commission makes appropriate changes to the standards without knowing what the standards are. Have to include what is the new standards such as the modifications.

-The Chairman mentioned that the proposal will state the modifications as reference and the proposed verbiage for the draft Bill will be separate until the R&D team does a thorough research.

-Chief Cruz explained that the one page verbiage proposal is the assessment, Chapter 3; and the standards will be lengthy and not put right into the proposed Bill and should be made reference when the Research and Development team develops an overall physical fitness program.

-Chief Cruz further explained that when the team develops the plan, it will start with the second modifications with room for growth, which will be modeled after the AFI and not necessarily with ten chapters. Just depends on what the R&D team develops.

2. Mr. May does not understand the intent of this sentence: "shall be modeled after the U.S. Air Force fitness test, as currently embodied..." Mr. May said this is vague and would not want a statutory law to be vague, if this can be avoided. Said there must be something with the Air Force standards that you would want the modifications to retain and does not understand what it is.

-The Chairman explained the modifications and said the following will be included in the verbiage:

- Still does the push-ups, sit-ups and the runs.
- The run is a mile instead of 1.5 miles.
- The 39" waistline will be eliminated and not required.
- The time, age and gender categories remain the same.

-The Chairman further explained that this allows the Commission flexibility with the waistline and the run.

-That the proposal with the second modifications is temporary until the R&D team develops its physical fitness plan.

-The Vice Chairman Major Vince Perez recommended to include into the proposed verbiage for Section 3005, the following:

"The fitness components shall be designed like the U.S. Air Force fitness test."

-Major Perez further mentioned that this way you are referring to the components that are identified within the AFI. Mr. May agreed.

At this time, Major Perez also wanted to recommend verbiage to Mr. May's first comment.

-An inclusion of a modified interim standard until it can be developed by the Research and Development team.

3. Mr. May commented on the verbiage: "The Commission may also consult with POST certified law enforcement fitness trainers to ensure training changes are appropriate for peace officers to adequately perform their duties as required." Mr. May mentioned he wondered of the need of expressed authority to do that.

-The Chairman explained there is nothing in the regulation to do this but does say to get a fitness coordinator in parts of the law.

-The Chairman further explained the Commission wanted to include this to remind the Legislature and the public-at-large that the Commission is not just going to do this arbitrarily but need to get experts in the field who have been trained and recognized such as Sgt. Bradley, who understands what is going on.

-Another suggestion is to add “and/or certified medical consultants” to “law enforcement fitness trainers.”

4. Mr. May commented that the last sentence, “furthermore any changes to physical fitness standards for peace officers is exempt from the application of the Administrative Adjudication Law (AAL).”

-Mr. May said there is a certain confusion that arises that the Commission enacts regulation and the Legislature adopts it. That this is left wondering if this is a regulation of the Commission or the law of the Legislature.

-Mr. May suggested an alternative way to do this is to create a separate section of which it is stated that it is the Legislature itself that is making the exemption. A board cannot exempt itself from the AAL.

-Recommendation from Mr. May that a separate section in the Bill that changes in the standards can be done without following the AAL.

-After discussions, the recommendation is to include verbiage that states the Legislature grants the authority for the POST Commission to make changes in the standards without following the AAL, exempting the Commission.

-GPD Chief Cruz said he agreed with Mr. May’s recommendations.

-Mr. May mentioned that this recommendation only applies to the physical fitness portion of the standards unless the Commission does not foresee any problems with the other sections.

-Major Perez also suggested verbiage to include “in order to keep up with the current law enforcements and standards, to give the Commission the authority to make amendments.”

-Chief Cruz mentioned what the Commission wants to convince the Legislature is this is the baseline and from here to continue to grow. To submit the recommended changes with the second modifications and state this is the minimum standards and ensure it should not go lower than this.

The Chairman clarified that the recommendations will be what GPD presented to be included in the draft proposal and recommendations by Mr. Monty May; plus the deadline extension to 2019; to also include not just the fitness consultants but and/or certified medical consultants or consultants necessary to develop a physical fitness plan; and a separate section for the Legislature exempting the Commission to make necessary adjustments to the standards in keeping up with the current standards and technology of law enforcement.

-A reminder was made to ensure the new line in the amendment should be explicit that the Legislature to give the Commission the authority without going through the AAL and to include the Commission is not going to lower the standards but is a baseline.

The Chairman asked that every agency should have its stats ready to submit for the Legislature. To provide the Legislature an idea of what exactly the Government of Guam agencies cannot do with the AFI, such as a health and wellness center, dieticians, etc. Points for the Legislature to be aware that certain things are not applicable and that the AFI cannot be implemented in its entirety.

At this time, the Chairman asked for a vote regarding the proposals herein:

MOTION

M/S/C (_____; _____) (Recording secretary did not hear a motion made) Move to approve recommended changes by GPD, Mr. Monty May, and the P.O.S.T. Commission members, as clarified herein, to draft a proposal to the Guam Legislature, with corrections. Unanimously approved, motion adopted.

The Executive Director will provide a draft of the proposal to Mr. Monty May. GPD Chief Cruz will provide copies of the PowerPoint presentation.

At this time, the representative from the office of Senator Telena Nelson anticipate a public hearing (information hearing) on Friday, May 19, 2017, at 9:00 a.m., at the Guam Legislature.

The Chairman asked all agencies to be prepared for all issues including any resistance and that he will be there to attend.

VI. Next Meeting Scheduled. May 25, 2017.

VII. Adjournment.

MOTION

M/S/C (/Guam Police Department/Port Authority Police): There being no further discussions, the meeting adjourned at approximately 2:15 p.m.

Dated this 6th day of July 2017.

/s/

Bertha M. Guerrero
Recording Secretary

MINUTES RE-APPROVED AS OF AUGUST 3, 2017.