



PEACE OFFICER STANDARDS & TRAINING COMMISSION

P.O. Box 23069 GMF, Barrigada, Guam 96921
1 Sesame Street, Mangilao, Guam



P.O.S.T. COMMISSION MEETING MINUTES Thursday, January 28, 2016

I. Called to Order. The P.O.S.T. ("POST") Commission meeting of January 28, 2016 was called to order at 9:08 a.m. by Guam Customs & Quarantine Agency Major Vincent Perez, Vice Chairman, held in the Guam Community College Student Center Training Room 5108 in Mangilao, Guam. Due to an emergency, Chief Robert Camacho was not in attendance and is currently off-island.

Roll Call by Agency/Department:

Member-agencies in attendance were:

Mr. Vincent Perez, Major, Guam Customs & Quarantine Agency (CQA);
Mr. Joey Manibusan, Fire Marshal, Asst. Fire Chief, Guam Fire Department
Mr. J. Basil O'Mallan, Guam Attorney General's Office;
Mr. Joseph I. Cruz, Chief of Police, Guam Police Department;
Mr. David Afaisen, Superintendent, Department of Youth Affairs;
Mr. Thomas Masga, Captain; Mr. Ed Toves, Chief Marshal, Unified Courts of Guam Judiciary Marshal
Mr. Pedro A. Leon Guerrero, Jr., Director, CQA;
Mr. Antone Aguon, Capt., Department of Corrections;
and Mr. Anthony W. Blas, Chief Inv., AG's; Mr. Tony Aguon, AG's; Mr. Vincent T. Laguana, DYA; Ms. Vivian Gogo, DPR; Mr. Vince Naputi, Sergeant, Judiciary; Ms. Barbara Perez, Judiciary; others in attendance per sign in sheet attached.

II. Announcements and Documents Received. Document(s)/Packet: 9/24/15 meeting notes by Chief Robert Camacho attached to the 1/28/16 Agenda. At this time, the Chair informed the Commission that information has been received from the Office of the Attorney General and more information will follow. Members were asked to update email addresses and points of contact so information can be disseminated accordingly.

III. Approval of Minutes from previous meeting of September 24, 2015. Notes from the meeting of September 24, 2015, were presented that were made a part of the January 28, 2016 Agenda. Suggestion was made that the notes/minutes of previous meeting should be noted it is for the September 24, 2015 meeting.

MOTION

M/S/C (AG-B. O'Mallan/GPD-J. Cruz): Move to approve Meeting Minutes of September 24, 2015, with corrections. Unanimously approved, motion adopted.

IV. Executive Director. The Commission were informed that Mr. Dennis Santo Tomas will be returning to GCC and anticipate he will resume his position as the Executive Director for the POST Commission.

-J. O'Mallan expressed that he was very concerned with the absence of an Executive Director. That should critical issues arise that require the attention of an Exec. Director, this leave those issues unresolved.

-The Chair explained that he will defer this to the POST Commission.

-Clarification was requested that in the absence of an Exec. Director could a "*pro temp*" be assigned by the POST Commission.

-J. O'Mallan referred to Title 17, GCA, Chapter 51, under Section 51103.10, as follows:

"§ 51103.10. Temporary Vacancy of the Executive Director. If a temporary vacancy occurs in the position of Executive Director for any reason, the Commission *shall* select from among its voting members a designated representative who *shall* become the Acting Executive Director until such time the Commission appoints a new Executive Director."

-Concerns also raised was where does an agency submit documents in the absence of an Exec. Dir.

-Regarding the physical fitness of the POST Commission Administrative Rules & Regulations requirement, GPD Chief Cruz also raised a concern with regards to the certification of the GPD Police Reservists. That he has met with the POST Chairman Robert Camacho about a potential solution to obtain this certification to meet the current requirement.

-Chief Cruz further explained that at some point, he agrees that this issue would have to be addressed before the Guam Legislature. To consider amending the law to ensure law enforcement officers succeed in getting certified versus failure. The results currently show officers are failing. That the current system is potentially setting up law enforcement officers to fail this portion of the POST Administrative Rules & Regulations.

-GPD Chief Cruz further explained that in addition to the above issue, the GPD CVPR is an issue that without an Executive Director to speak on the CVPR's behalf before the Guam Legislature, issues of concern will not be adequately represented.

-That there is currently no Executive Director to represent the POST Commission in moving forward with the Administrative Rules regarding the physical fitness requirement.

-Further concerns were raised that the timeline regarding physical fitness in the POST Commission Administrative Rules will not be met and bigger issues might arise.

-The AG explained that with the current law, three (3) years is the timeframe to be in compliance with the physical portion of the POST Commission Administrative Rules and to date, one (1) year has already lapsed. As it stands it is now into 1-1/2 years into the 3 year mark and by the 2nd year, the PT portion should have already been implemented.

-At this point, it is getting critically close to the half way mark that the POST Commission and the AG did not think the POST Commission can wait for someone to be hired to assume this responsibility. A decision would have to be made in the absence of an Executive Director.

-Chief Cruz agreed with the AG in having someone step forward such as the Chairman during the absence of an Executive Director.

-There were further discussions as to who will assume the position of an Executive Director for the POST Commission during the absence of one. Several discussions that a Chairman should resume this position, including making decisions in this capacity.

-The acting Chairman agreed this was logical, if there is something written to this effect, however, the POST Commission would also have to make a motion and agree with this.

-The acting Chairman also explained that in moving forward he understands that there are issues that has to be resolved that are currently pending and does not want to move forward half hazard.

MOTION

M/S/C (AG-B. O'Mallan/GFD-J. Manibusan): Move to nominate and approve that the Vice Chairman, Major Vince Perez, be appointed as the temporary Acting Executive Director for the POST Commission until such time as this position is filled. Unanimously approved, motion adopted.

B. O'Mallan informed the Commission that he will assist Major Perez with his role as the temporary Acting Executive Director. The AG B. O'Mallan recommended a subcommittee to assist the Acting Executive Director. GPD, GFD, Judiciary will also provide a representative to assist.

MOTION

M/S/C (AG-B. O'Mallan/GPD-J. Cruz): Move to form a subcommittee to assist the Vice Chairman in his role as the temporary Executive Director. Unanimously approved, motion adopted.

V. Old Business

1. Recommended Training for Supervisors, Management, Executive

- Chairman has not been able to meet with DOA to develop a strategic plan for supervisors, management and executive.
- There were discussions regarding developing a strategic plan.
- Major Vince Perez will contact Mr. Francis Flisco from DOA for a follow up meeting.
- J. Manibusan mentioned that Judiciary has developed a succession plan and has read it that might be tailored for other government agencies. Unsure if need to obtain permission first for other agencies to use. Mentioned that this includes forms and a tracking system.
- Ms. Barbara Perez from Judiciary explained that a consultant was hired. The succession plan was incorporated into the Judiciary's 5-year plan.
- Judiciary will provide a presentation before the POST Commission regarding said plan at least with regards to leadership development plan.

MOTION

M/S/C (AG-B. O'Mallan/GPD-J. Cruz): Move to table further discussions regarding Item #1 under Old Business for the next POST Commission meeting pending follow up meetings with the Department of Administration. Unanimously approved, motion adopted.

2. POST Forms-Anticipate these forms to be completed in February 2016 and forwarded to each agency for final review.

- Major Perez mentioned that Marshal Tom Masga was instrumental in developing these forms and asked members to review and provide input, if any, before finalization of said forms.
- T. Masga mentioned Chief Bob has been communicating via email with AG to assist in finalizing them and anticipate it to be in fillable format.

- 3. Pacific Island Chief of Police Membership** – GPD Chief Cruz reported he has communicated with the Secretary, Mr. Shepherd from Brisbane, New Zealand.
- Mr. Shepherd will confer with the other members regarding having Guam representatives travel to NZ and observe their group.
 - After Chief Cruz's initial contact there has been no other responses but will be attending a training in NZ in March 2016 and will do a follow up while there.
 - Chief Cruz will provide status at the next POST meeting.

VI. New Business

- 1. GPD reviewing CVPR Program** – Pending Review by GCC for certification.
- Chief Cruz explained there are concerns with the last GPD CVPR in-house program with regards to the last cycle, which was not in compliant with the POST Commission certification.
 - The Chief has had discussions with Chief Bob and GCC officials and has also had to testify before the Guam Legislature regarding this matter.
 - Currently trying to find a solution to solve the issue of having the Reservists of this cycle certified.
 - Might have two (2) options such as Prior Learning Assessment (PLA) and by using GCC certified instructors and getting this training sanctioned by the POST Commission.
 - Chief Cruz explained the issue of the last cycle (18th) being non-compliant because the law was passed before its completion therefore had to follow the current POST Commission Administrative Rules.
 - The other issue that was also raised is the status of the 17th Cycle. In answer to this, this cycle is sanctioned under a different statute in place prior to the passing of the current POST Rules and this cycle is academically in compliant.
 - GPD will be providing a packet for Chief Robert Camacho's review as Chairman for POST and for presentation before the POST Commission regarding the two (2) options for the 18th Cycle for certification by POST.
 - Chief Cruz anticipates submission within thirty days. AG O'Mallan recommends submission to the subcommittee before the POST Chair, which Chief Cruz took into consideration. The Vice Chair will be kept informed of this status.

- 2. Superior Court starting an Academic Program in Collaboration with GCC.**
- This program will enhance the existing CJA. Superior Court hired an Academic Advisor Dr. Fee, including a PFQT Coordinator.

- **POST Certification of Judiciary of Guam training program.**

- Mr. Pete Roberto from GCC was asked to provide an insight as to this.
- Mr. Roberto explained that approximately one (1) year ago, the Judiciary communicated with GCC regarding how they can meet the academic portion of the law with certification.
- He further explained this was a collaborative effort with GCC, the Judiciary and GPD and first training begins June 27, 2016.
- GPD Chief Cruz explained that certificate received will be a CJ Certificate not a POST Commission certificate.
- Judiciary was congratulated for their program and for GPD teaching the courses.

MOTION

M/S/C (AG-B. O'Mallan/GPD-Toves): Move that the Guam P.O.S.T. Commission certify the Judiciary of Guam/Guam Community College academic certificate program. Unanimously approved, motion adopted.

3. PFQT Status – All Agencies encouraged to start its program:

Health Screening; Diagnostic Testing; and recommend that agencies meet with Superior Court who has started 1 year ago to get some insight on challenges and successes.

- First Diagnostic shall begin in December 2016
- Testing for Actual Performance of the PFQT shall begin December 2017; this is the date when actual peace officer certification will begin for PFQT.
- S.C. Marshals having a diagnostic PFQT on March 19, 2016 at 4am at the GW track. GPD will have its diagnostic testing the first week of April 2016 at 5am, at the GPD headquarters. Recommend members send its fitness coordinators and proctors to observe.

-Ms. Perez reported that Superior Court hired a PFQT Coordinator and explained there are four (4) test administered to its employees to include a medical form requirement to fill out, which is kept confidential.

-Employees are also given an orientation as to the requirements, plus a health care provider for consultation to include nutrition.

-Issues brought up was giving time off to help employees, officers need to be dedicated, will be given written result, use proctor to ensure PFQT, have received resistance.

-V. Naputi reported that last year, less than 50% passed to include young and senior staff.

-GPD explained that the current system sets up the officers for failure. Does not disagree with testing, however, the mechanism in place does not work. Consider re-evaluating the current system based on current stats and amend the law to implement a system that will work.

-There was an agreement with the amendment of the PFQT portion of the POST Rules.

-GPD will provide a proposal, however, data would need to be compiled for justification should this also go before the Guam Legislature.

-AG recommends a plan be submitted to the Subcommittee for review.

-There were further discussions and that all POST members take the test to obtain data. Need a baseline assessment.

-GPD recommends all should take both the tape and physical tests to determine what needs improvement; acknowledge in writing what are the requirements; inform officers they don't have a choice because it's the law as a way to also inform those who are resisting.

-POST member agencies should work collaboratively to obtain diagnostic data.

-GPD agreed to Chair this subcommittee to prepare a plan, Marshal Naputi to assist.

4. Training Institutions – Additional recommendations from agencies?

-None to report, for next meeting.

5. Officers on Medical Profile. For those officers who are on profile for extended periods, we need to develop a standard and procedure to determine how we maintain the peace officer's certification.

-We need to discuss with DOA and the AG's Office of what procedures should be in place.

-Issues of hazardous pay and the 40% law enforcement pay should be reviewed if peace officer has not performed to standard according to his job description.
-AG recommends this go through the subcommittee.

6. Pending petition of Office of the Attorney General Investigators to be POST certified.

7. Approval of petition from OAG for POST certification of Erlinda Blas.

-AG informed the Commission this was submitted since October 2015 and nothing has been done to date, however, the subcommittee will review this petition.

-Issue raised as to other than the GCC President's Office, where should documents be submitted for the POST Commission.

-Suggestion was to make a protocol for future submission and since the Commission has appointed a temporary Executive Director, documents should be submitted to the temporary Executive Director, Major Vince Perez.

VII. Announcements.

VIII. Round Table Discussion. There were still concerns raised regarding documents being received for the POST Commission. In the future to have a full-time support staff for the POST Commission.

IX. Next Meeting Scheduled-9AM, Thursday, February 18, 2016.

X. Adjournment.

MOTION

M/S/C (AG-B. O'Mallan/Judiciary-V. Naputi): Move to adjourn meeting of January 28, 2016. Unanimously approved, motion adopted.

There being no further discussions, the meeting adjourned at approximately 10:56 a.m.

/s/

Dated this 28th day of April 2016.

Bertha M. Guerrero
Recording Secretary