



PEACE OFFICER STANDARDS TRAINING COMMISSION
P.O. Box 23069 GMF, Barrigada, Guam 96921
1 Sesame Street, Mangilao, Guam



POST COMMISSION MEETING NOTES
Training Room 5108, Student Center, GCC
Thursday, October 24, 2013

I. Called to order. Chief Bob Camacho called the meeting to order at approximately 9:05 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, Office of the Attorney General; Mr. Joey A. Terlaje, Captain, and Mr. Tom Masga Unified Guam Judiciary Marshal; Captain Joey Manibusan, Guam Fire Department; Ms. Tita Taitague, Director, Div. of Aquatic and Wildlife Res.; Mr. Joe San Agustin, Director, DOC; Mr. Adonis Mendiola, Director, DYA; Therese Terlaje, Dr. Ron McNinch, UOG.

Others in attendance: Lt. Governor of Guam, Ray Tenorio; Ms. Sheena Black, Ms. Desori Bermudes, Joseph Villagomez, Office of Lt. Gov.; Mr. Rudy Gaza, Probation Supervisor and Mr. Anthony Toves, Sen. Prob. Officer, Judiciary Probation; Mr. Michael Reyes, Supervisor, Div. of Aquatic and Wildlife Res.; Ms. Benedette Santos AND Mr. Greg San Miguel, DYA; Ms. Jane Dia, DAWR.

II. General Welcome to Lt. Gov. Ray Tenorio. Lt. Gov. was welcomed to today’s meeting.

Document(s)/Packet: 8/29/13 Meeting Minutes and 10/24/13 Agenda; Proposed P.O.S.T. Commission Physical Fitness Standards; Proposed P.O.S.T. Commission Rules & Regulations.

III. Approval of Minutes from previous meeting.

M/S/C (DYA-Mendiola/GPD-Bordallo): Move to adopt the meeting notes of 8/29/13, subject to corrections. Unanimously approved, motion adopted.

IV. Committee Reports. None reported.

V. Old Business

1. Physical Fitness Standards.

-Chief Bob explained that he initially drafted a proposed P.O.S.T. Commission Physical Fitness Standards, which he and Lt. Governor Ray Tenorio further reviewed and provided recommendations. A meeting with several agency directors was held for further input.

-As a result of this, Chief Bob noted the following recommendations and modifications:

- Provide a three (3) year timeframe to allow Peace Officers to “get in shape” and their health “in order.”
- Develop a physical fitness regiment for all Peace Officers.
- Agencies to develop individual promotional campaigns.

POST Commission Members

Guam Police Department Guam Airport Police Port Police Attorney General Customs & Quarantine Agency Department of Corrections Div of Aquatic and Wildlife Res. Department of Agriculture Unified Guam Judiciary, Marshals Division Guam Fire Department Department of Administration

-Chief Bob also recommended that members should provide a copy of today's draft to their respective department directors for additional input.

There were several discussions and members were then given an opportunity to provide additional input:

-Tom Masga, Marshal's Office, explained that should POST implement the standards, each agency would then need to develop its internal policy to mirror said standards. That in order for any administrative sanctions to be carried out, this would have to be done.

-Chief Bob agreed that guidelines should be established in accordance to each agency and as to how it would be implemented, might be scrutinized including going through the Civil Service Commission.

-Chief Bob explained that every agency could require a physical fitness standard as long as it applies to an individual's job. Develop one but in compliant with the POST standards especially for certification purposes.

-A baseline would have be established and work from there for each agency's needs.

-T. Masga recommends that physical fitness standards should be reflected on job announcements and stating that the test is a requirement pursuant to POST regulations and departmental rules. This would apply to both entry level and promotional positions, that they are aware of said requirement.

2. Guam Peace Officer Standards and Training Administrative Rules. Members were provided a copy of the POST Rules as reviewed by Mr. Monty May from the Guam Attorney General's office.

-Lt. Governor Ray Tenorio explained the extensive process in drafting the Rules and Regulation. That public safety meetings were held as to the importance of establishing standards as a measure or benchmark as to how public safety officials are held.

-The draft submitted included input of several people with Chief Bob Camacho, Sheena Black's assistance and input by legal counsel.

-He noted that several cases were cited within the policy such as a jurisdiction being sued for an officer's inability to physically carry out his duties.

-The Lt. Gov. further explained that it is incumbent within the Government in the positions held by peace officers such as GFD, DOC, GPD, etc., to ensure the peace officers have those qualifications and the ability to execute.

-He further explained the importance of the certification process of a peace officer is the ability to do their job, no matter what job they hold and the ability to maintain that certification is pre-conditioned on that physical fitness.

-Chief Bob reiterated once rules are adopted, there would be a 3-year review process to implement, developing each agency's guidelines, including getting personnel physically fit.

-Chief Bob asked each agency review the draft and submit written recommendations or by emailing Chief Bob or the POST Exec. Director and hope to finalize this before the year was up.

-A. Mendiola from DYA brought up an issue concerning an employee's inability to perform their job duties, something he would like to bring up with a DOA representative, who was not in attendance.

POST Commission Members

- He referenced the Guam Department of Administration's policy regarding special medical exams.
- That DYA has had successful cases with special medical exams concerning an employee's inability to perform their job duties due to a physical, emotional, mental or environmental condition.
- That he has a "Workability Form" that has been used by the military and will provide this to Sheena Black.

- Form can be used for "risk management" so as not to create a hazard for both the employers and employees.

- Chief Bob mentioned that his agency has a similar process if employees are unable to perform their job duties.

- A doctor would have to make an evaluation by reviewing each line items of an employee's job description as to reasons individual is unable to perform job duties.

- Options are given if personnel are unable to perform their job duties such as a transfer, suspension or termination.

- Sheena Black brought up some concerns about the draft:

(Please note: some portions were unclear)

- Further research was done with a grandfather clause and strongly recommends looking further into this. *(unclear)*

- Advised that it might not be a good idea to use this clause other than for the physical fitness portion.

- Also advised for DOA to further look into departmental transfers.

- The Lt. Gov. recommended that there should be a final policy review with Civil Service Commission before implementation. Chief Bob agreed.

- T. Masga mentioned that once his policy is implemented a standard form should be developed.

- Chief Bob mentioned that a form has been developed.

- Lt. Gov. also recommended electronic forms.

- The Lt. Gov. further explained the importance of having each agency conduct their internal review.

- Dr. McNinch referred to the law in the policy, however, Chief Bob explained that redundancy of the law was reviewed by the AG and omitted in some areas.

- Chief Bob asked for Dr. McNinch to submit a list of his concerns. Some of his concerns were minimum requirements to be certified.

- Lt. Gov. mentioned to be careful in what you ask for as far as a minimum requirement for standards such as the educational requirement.

- Chief Bordallo also brought up the issue of minimum instructional hours required to be certified, standards of conduct for government employees, specs for Ethics Commission to ensure conduct and that agencies control who they employee.

- He also provided information as to the minimum hours required to be certified in California and that he has a Police reservist who has completed certain amount of instructional hours and will be submitting documentation to the Executive Director.

POST Commission Members

-Chief Bordallo agreed further review of the law concerning the Rules should be done before it is finalized.

-Concerns about 17 GCA, Chapter 51 regarding the P.O.S.T. Commission was brought up.
(Please note: several areas in tape recorder were unclear)

-Chief Bob also brought up issues with the law mandating the P.O.S.T. Commission as far as what it is allowed to do. That he has previously provided a list to the members.

-There were further discussions; however, any changes to the P.O.S.T. Commission would have to be brought up with the Guam Legislature.

-All should submit recommendations to the draft, including Chief Bordallo and Dr. McNinch.

-Lt. Gov. Ray Tenorio reiterated that you do not want to implement something you cannot execute. Recommendations made should be something each agency would require. Provide input of your agency's needs such as an educational requirement, use of specific equipment, etc. These should be done before finalizing. Submit recommendations at the onset.

-Recommendations should be emailed to Chief Bob Camacho, who will compile everyone's input. – Mr. Monty May will also be reviewing the draft. Ms. Therese Terlaje requested for a "markup" draft from the AG.

VI. New Business

1. Presentation by Ms. Jane Dia, Resource Information and Education Officer, Guam Department of Agriculture (GDAWR).

-A PowerPoint presentation by Ms. Jane Dia provided information about the GDAWR conservation campaign they have been engaging with the entire Guam community such as the "Piti Pride" program.

-POST members were asked to be "eyes and ears" for GDAWR by supporting negative environmental impact such as illegal harvesting of coral.

-POST members were also provided with contacts and telephone numbers to report illegal activities.

-Individuals or departments interested in the program were given an opportunity to sign up.

-Can collaborate with GDAWR for conservation awareness presentation.

VII. Announcements. (There was none.)

VIII. Round Table Discussion. (None)

IX. Next Meeting Scheduled-9AM, Thursday, November 21, 2013

X. Adjournment: M/S/C (DYA/Marshal) Move to adjourn meeting at approximately 10:25 a.m. Unanimously approved, motion adopted.

/s/B.M. Guerrero
2/13/14

POST Commission Members