



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, May 15, 2014

I. Called to order. Major Vincent Perez, Vice Chairperson, called the meeting to order at approximately 9:15 a.m.

II. Roll Call by Agency/Department.

Member-agencies in attendance were:

Major Vincent Perez, Div. Chief, Customs and Quarantine (Vice Chairman);
Mr. Dennis Santo Tomas, Executive Director, P.O.S.T., GCC;
Mr. Michael Reyes, Department of Agriculture;
Captain Joey Manibusan, Guam Fire Department;
Mr. Joe San Agustin, Director, DOC;
Mr. Tom Masga, Marshal, Unified Guam Judiciary Marshal;
Mr. Monty May, Office of the Attorney General;
Chief Fred Bordallo, Guam Police Department.

Others in attendance: Lt. Governor of Guam, Ray Tenorio and staff member; Mr. Pedro Leon Guerrero. *(Sign in sheet not submitted)*

Document(s)/Packet: March 2014 Meeting Minutes and 5/15/14 Agenda; Proposed Guam Peace Officer Standards and Training “Physical Fitness Qualification Test (PFQT) Program Outline (DRAFT) April 24, 2014.”

III. General Remarks – P.O.S.T. Chair- Lt. Gov. Ray Tenorio was welcomed to today’s meeting and participated in discussions.

IV. Approval of Minutes from previous meeting.

V. Unfinished Business

1. Commission Vote – “draft” Physical Fitness Qualification Test Policy. Members were provided a copy of the latest proposed POST **Physical Fitness Qualification Test Policy**, which was previously emailed. Vice Chair Major Perez asked members to review the draft and explained that the changes are marked.

Issues brought up were the following:

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| For the running requirement | There is a standard for a 1.5 mile run; alternative |
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| | <p>if determined individual is medically unable to run, there is a 1 mile walk.</p> <p>Run requirement: Less than 19 minutes, 42 seconds.</p> <p>Walk requirement: 19 minutes, 42 seconds or less.</p> |
| Who will conduct the test? | P.O.S.T. Commission will set up standards for a fitness wellness coordinator who will conduct the tests for each department. |
| Problems before/after test? Liability should an individual is injured/expires. | A signed waiver is required before a testing. However, during the course of the testing, should an individual feel ill, responsibility of individual to inform beforehand. Still unable to do so, required to obtain a doctor's certification. |
| Should there be problems, or not passing the test. | Provide a doctor's certification. Certain administrative remedies will be made. |

Major Perez explained that the PFQT is to promote both the physical and mental well being of the respective officers as a whole and setting standards.

Captain J. Manibusan further explained. A form for the PFQT was provided for review:

- 1) Fitness Screening Questionnaire. Capt. Manibusan explained that this is complete before the actual physical testing, otherwise, individuals could be placing themselves in a very dangerous situation, possibly even death, by not disclosing important information on said form. For example, unexplained chest discomfort.
- 2) Upon review of the answers on Form #1, the physical fitness coordinator will refer individuals to seek medical attention and have Form #2 filled out by a medical doctor.

Physical Fitness Coordinators will show individuals the proper way to perform certain tests.

- 3) Another information sheet is the P.O.S.T. list concerning passing test requirement per age group.
- 4) Abdominal circumference is another test that would have to be conducted. Body mass index (BMI) or body fat assessment (BFA).
- 5) Each test will have points, for example, requirements for pushups, sit ups, etc.

At this point the PFQT were reviewed and the following discussions and motions followed for each section:

Under 1. Policy Foundation

No change: 1.0, 1.0.2, 1.0.3, 1.0.4, 1.0.6, 1.0.7

Changes: 1.0.5: grammatical change: \$700,000 is missing a zero; and replace comma on second line after officers with a period.

Under 1.1.1 Title

No change:

Changes: 1.1.1.1:

MOTION

M/S/C (GPD-F. Bordallo/Customs_____): Move to adopt by making a change under 1.1.1.1. to place a period (".") after the word cycles and delete the remainder of that sentence "is a

familiar term to all existing and former recruits/trainees.” Unanimously approved, motion adopted.

MOTION

M/S/C (Judiciary-Marshal T. Masga/GPD-F. Bordallo): Move to adopt to make a change under 1.1.1.1. to delete the word Performance in “Physical Performance and Fitness Qualification Test” and delete the “P” in “PPFQT.” Unanimously approved, motion adopted.

M/S/C (Judiciary-Marshal T. Masga/GPD-F. Bordallo): Move to adopt that all similar references to PPFQT herein shall be changed accordingly to reflect and changed to PFQT. Unanimously approved, motion adopted.

Under 1.1.2 Goals and Benefits (motioned later).

At this time recommendation was made for a legal review for any grammatical errors and a motion was made as a general motion after the PFQT policy is adopted by the P.O.S.T. Commission, as follows:

M/S/C (Judiciary-Marshal T. Masga/ GPD-F. Bordallo): Move to adopt that the Office of the Attorney General provide a legal review of this document for technical corrections and changes to be made accordingly after adoption of the whole document herein. Unanimously approved, motion adopted.

Under “1.2.0. Applicability” and thereon a recommendation was made that for uniformity, items listed should be numbered and be consistent such as a roman numeral or numbered similar to the Administrative Rules.

Under 1.2.1.:

M/S/C (GFD-J. Manibusan/DOC-San Agustin): Move to adopt that the last part of the sentence under Section 1.2.1 “must take the PFQT as hereinafter described” to be deleted and add “shall comply with the PFQT Program.” Unanimously approved, motion adopted.

M/S/C (GFD-J. Manibusan/Customs-_____): Move to adopt previous motion and change the following: the last part of the sentence under Section 1.2.1 “must take the PFQT as hereinafter described” to be deleted and add “shall comply with the PFQT Policy.” Unanimously approved, motion adopted.

At this time the members reviewed the following sections:

Under 1.5.1 Phased Voluntary Period, 1.5.1.1: A recommendation was made to strike a sentence pertaining to testing on a biannual basis. That this sentence should be deleted because this Policy will be following the Air Force standards. The following motion was then made:

M/S/C (Customs; _____): Move to adopt by deleting the following sentence, “By the beginning of the second year, agencies will begin testing peace officers on a biannual basis.” Unanimously approved, motion adopted.

Under 1.6.0 TESTING, 1.6.1 Administration, 1.6.1.1: A recommendation was made to delete a portion of the first sentence of this section as follows:

M/S/C (DOC-San Agustin; GFD-Manibusan): Move to adopt by replacing the first sentence of 1.6.1.1 with the following: “The P.O.S.T. Commission and its Executive Director shall be responsible for collaborating with all appropriate agencies to ensure the administration of the PFQT policy.” This deletes the word “implementation” and “within the first year.”
Unanimously approved, motion adopted.

Under 1.6.6 Frequency. A recommendation was made to delete this section in its entirety due to this Policy following the Air Force standards. The following motion was then made:

M/S/C (GFD-Manibusan; GPD-Bordallo): Move to adopt by deleting “Section 1.6.6 Frequency” in its entirety. Unanimously approved, motion adopted.

Under 1.7.0 COMPLIANCE, 1.7.1 Failure, 1.7.1.1: A recommendation was made to change “may” to shall” in two of the sentences under this section. This is located before the last sentence in this paragraph, plus the second paragraph following under the same section, “Agency heads may” to “Agency heads shall”. A motion was then made as follows:

M/S/C (Customs; DOC-San Agustin): Move to adopt and delete the word “may” with the word “shall” towards the end of the first sentence in Section 1.7.1.1 and replaced with “the P.O.S.T. Commission shall deny, suspend, or revoke the individual’s certification.” The word “may” in the second paragraph following this paragraph should also change to “shall.”
Majority approved, motion adopted.

- Chief Bordallo was concerned about changing the word “may” to “shall.” That it should be a case by case basis as an example with an individual with disabilities.
- Mr. Leon Guerrero mentioned that the Commission should be concerned about how long it will take to be in compliant. If it is too short, it would be considered unfair, but commented that as long as an individual is in compliance and that the standards are fair to be in compliance in a certain amount of time.
- Mr. San Agustin (DOC) mentioned that the Commission is looking for minimum standards to begin with and that those standards are equal “across the board” and believes these are minimum standards.
- Chief F. Bordallo asked Mr. Monty May about using the words “may” and “shall” (*tape was unclear*)
- T. Masga explained that there are certain conditions in the policy that explains further of the standards expected.

At this time the Commission continued with the review of the previous sections as follows:

Under 1.1.2, Goals and Benefits: This was recommended to be combined with Section 1.1.2.1. The following motion was then made:

M/S/C (Marshal; DOC): Move to adopt by incorporating Section 1.1.2 into Section 1.1.2.1. Unanimously approved, motion adopted.

M/S/C (GFD-Manibusan; Customs): Move to adopt and change the Roman Numerals I and II to numbers 1 and 2 and all other references hereinafter. Unanimously approved, motion adopted.

Under 1.3.0 COMPLIANCE DETERMINATION METHOD:

M/S/C (Customs; Marshals): Move to adopt by including in the first sentence the word “Commission” after the word “(P.O.S.T.)” under Section 1.3.1. Unanimously approved, motion adopted.

- There was a question to Capt. J. Manibusan regarding Section 1.3.1.2 should an individual not pass the waistline test.
- Capt. Manibusan explained that it does not mean an automatic failure. There is body mass index and body fat assessment.
- Gender/age/height is taken into consideration.
- An individual test is also based on a point system, how he scores.
- Other scientific testing are done.
- Exec. Director D. Santo Tomas asked Capt. Manibusan if he could provide examples via email. Capt. Manibusan suggested going online and Google “Air Force Fitness Standards 2014” which shows a chart.

Under 1.4.0 FITNESS AND WELLNESS COORDINATORS.

M/S/C (GPD; Marshals): Move to adopt by adding “/or” in the first sentence after the word “Category 1 and” under Section 1.4.1 and will read “All Agencies employing Category 1 and/or 2 peace officers”. This amendment will be referenced hereinafter. Unanimously approved, motion adopted.

M/S/C (DOC; GPD): Move to adopt and delete Section 1.6.3.1 Development. Unanimously approved, motion adopted.

M/S/C (Marshal; GPD): Move to adopt and amend the title of Section 1.6.3 from “Form” to “PFQT Forms.” Unanimously approved, motion adopted.

M/S/C (DOC; GPD): Move to adopt and delete the last number under Section 1.6.3.1.1 and will now read “1.6.3.1”. Unanimously approved, motion adopted.

M/S/C (Marshal; Customs): Move to adopt and amend the first sentence under Section 1.6.3.1.1 and will now read “The P.O.S.T. Commission shall develop standard form(s) and method(s) by which all member agencies shall use and follow in processing and testing.” The words “form(s) and method(s)” will be referenced hereinafter. Unanimously approved, motion adopted.

M/S/C (Marshal; GPD): Move to adopt and add “or his/her assistants” after the word “proctor under Section 1.6.4.1”. Unanimously approved, motion adopted.

It was recommended under Minimum Content, Section 1.6.3.2.1, that the last part of this sentence will be deleted: “under a penalty of perjury clause incorporated into the form that each proctor/assistant must sign upon completion of the test. A motion was then made to include adding the words “his/her assistants.”

M/S/C (DOC; GPD): Move to adopt and amend the last sentence under Section 1.6.3.2.1 to read as follows: “Each component must be filled in by the same proctor or his/her assistants (the person recording the test) and include the proctors/assistants block-printed name and attested to as true and correct. The remainder of the sentence is deleted. Unanimously approved, motion adopted.

M/S/C (GFD; DOC): Move to adopt and amend the first sentence after the word “proctor” under Section 1.6.4.1 by adding “and/or his/her assistants shall.” Unanimously approved, motion adopted.

M/S/C (Marshal; DOC): Move to adopt and amend the sentence after the word “the” under Section 1.6.4.2 by adding “P.O.S.T. Commission” before Executive Director. Unanimously approved, motion adopted.

M/S/C (DOC; Customs): Move to adopt and amend Section 1.6.5.1 by deleting the word “stored” and replacing it with the word “maintained.” Unanimously approved, motion adopted.

M/S/C (GFD; Customs): Move to adopt and amend Section 1.7.1.1 by deleting the first word “An” and replacing it with the word “A.” Unanimously approved, motion adopted.

M/S/C (GFD; GPD): Move to adopt and delete under Section 1.7.1.1 the paragraph referring to the “NOTE” in its entirety. Unanimously approved, motion adopted.

M/S/C (DOC; GFD): Move to adopt and amend by deleting the word “discharge” on the second paragraph under Section 1.7.1.1 and replacing it with the word “action.” The beginning of this sentence shall read as follows: “Agency heads shall initiate or recommend administrative action only after...” Unanimously approved, motion adopted.

M/S/C (DOC; GFD): Move to adopt and amend Section 1.7.1.2 by deleting the first word “An” and replacing it with the word “A.” Unanimously approved, motion adopted.

M/S/C (GPD; GFD): Move to adopt and amend Section 1.7.3.4 by adding the word “within thirty (30) calendar days upon notification” after the word “P.O.S.T. Commission” at the end of the first sentence. Unanimously approved, motion adopted.

M/S/C (GPD-F. Bordallo/GFD): Move to adopt and to accept the P.O.S.T. Commission Physical Fitness Policy with changes herein and submitted for legal review by the Office of the Attorney General of Guam after adoption for recommended changes. Roll call was also made for said vote, as follows:

GFD motioned, Customs seconded for a roll call.

Guam Customs, vote in favor

Judiciary, Marshals, vote in favor

Director, DOC, vote in favor

GPD, vote in favor

GFD, vote in favor

Department of Agriculture, vote in favor

Attorney General, vote in favor.

Unanimously approved, motion adopted.

At this time it was announced that the Minutes will be reviewed at the next meeting.

VI. New Business.

VII. Announcements.

- Sheena Black will return next week. Mr. Santo Tomas will provide her with any updates.
- T. Masga had a question as to P.O.S.T. forms being standardized and numbered accordingly. Suggestion by V. Perez will be to vote when the forms are finalized.
- Suggestions by J. Manibusan to put up on the website when done.
- D. Santo Tomas said it will be updated on the current website under GCC.
- There was a question about the logo, V. Perez informed that there is a logo already developed.

VIII. Next Meeting Scheduled-9AM, Thursday, June 26, 2014.

IX. Adjournment: M/S/C (T. Masga-Marshall/_____): Move to adjourn meeting at approximately 12:11 p.m. Unanimously approved, motion adopted.

/s/B.M. Guerrero
6/26/14