



## 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 Friday, July 1, 2016**

**I. Called to Order.** The P.O.S.T. (“POST”) Commission meeting of July 1, 2016 was called to order at 9:17 a.m. by Mr. Robert “Bob” Camacho, Chairman, held in the Guam Community College Student Center Training Room 5108 in Mangilao, Guam.

#### **Roll Call by Agency/Department:**

##### Member-agencies:

1. Mr. Mark Charfauros, Captain, 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. Tony W. Blas, Guam Attorney General’s Office;
5. Ms. Darlene Merfalen, Guam Customs & Quarantine Agency (CQA);
6. Department of Corrections (no attendance);
7. Division of Aquatic & Wildlife Resources, Dept. of Agriculture (no attendance);
8. University of Guam (no attendance);
9. Guam Community College (no attendance);
10. Mr. Thomas Masga, Captain; Mr. Vince Naputi, Sergeant, Unified Courts of Guam Judiciary, Marshal’s Division;
11. Mr. Joey Manibusan, Fire Marshal, Asst. Fire Chief, Guam Fire Department;
12. Mr. John Lizama, Probation Division, Unified Courts of Guam Judiciary;
13. Mr. Francis Flisco, Personnel Services Division Administrator, Department of Administration;
14. Mr. David T. Afaisen and Vincent Laguana, Department of Youth Affairs.

Other agencies: See attached sign-in sheet.

**II. Announcements and Documents Received.** Document(s)/Packet: 4/28/16 Meeting Minutes; 7/1/16 Agenda; See attached for List of Documents submitted during Post Commission Meeting log.

**III. Approval of Minutes from previous meeting of April 28, 2016.**

#### **MOTION**

**M/S/C (Office of the Attorney General/Guam Police Department):** Move to approve Meeting Minutes of April 28, 2016, with corrections. Unanimously approved, motion adopted.

**IV. Executive Director.** The Chairman informed the Commission that there is Executive Director hired to date, however, still expecting to hire Mr. Dennis Santo Tomas anticipate to do so August 2016. The Commission also recommended that when an Executive Director is hired, the Commission will still have to formally appoint him.

**V. Committee Reports.** None to report at this time.

**VI. Old Business**

1. PFQT-proposal/update. The Chairman explained that there were three (3) proposals submitted, Office of Attorney General, UOG and DYA. Copies were provided to all members. He mentioned that the Commission has gone through the PFQT, including the Triple A process and that any changes would still have to go through the whole process, including through the Guam Legislature. To keep this in mind, however, he emailed to members three (3) options. 1) Keep as is, status quo; 2) Do away with the whole process and every agency to do their own process as to what is best for said agency but to remember this would still have to be accepted and go through legislation; 3) Review current PFQT and modify, changes in certain area. The law provides this equal to the Air Force standards, similar to this such as the body mass or time. Believes does not have to go through the Triple AAA process with this option.

Recommends to start testing employees now because it will be mandated by December 2016. After 5-6 diagnostic testing, submit results determine if the current PFQT is working or not, although the Marshal's and GPD have already started its diagnostic testing. Data is needed to make a determination for further option consideration.

AG O'Mallan mentioned that in the beginning when PFQT was submitted to the Legislature, it was anticipated that there might be changes. Preliminary discussions from the Guam Police Department is showing more than 50% failure rate.

Copies of AG's proposal were provided to members. AG O'Mallan presented the current PFQT and modifications to it by changing to 2 minutes instead of 1 minute and eliminated the abdominal circumference and weight. Challenge agencies to compare pass/fail diagnostic testing. Ask to compare chart with preliminary assessments and each agency to work with the proposed chart.

Guam Police Department Charfauros agrees with some changes otherwise Guam stands to lose 50% or more of its workforce in law enforcement. Create a system to re-evaluate and safe the workforce. Cannot afford reduction in workforce. AG's proposal seems simplified.

There were further discussions, which even adding an additional minute might not help, that the Air Force testing might be more difficult than other military branch testing.

-Go with current standards but need to know if modified, will law enforcement be able to do their job.

-PFQT should reflect duties.

-Military's objective is different than civilian's. Military is conditioned and have the advantage by being given the time to train, unlike the civilian who have to do so on their time, such as GPD who do not have the time.

AG further mentioned that believed doing preliminary testing now, easier to make changes now which are preliminary informal assessments before the mandated deadline.

GPD mentioned again that they cannot afford the reduction in their workforce and mentioned Chief Cruz will go to the Legislature to try and avoid this.

The Chairman mentioned that he will speak with the AG if changes still have to go through the Triple AAA process, if changes are similar to the current PFQT.

The Judiciary mentioned they will comply with the current PFQT and will go with what the POST Commission decides and any changes per the law.

-There were further discussions of percentages passing and not passing, weight and circumference is difficult, some officers do not have time, have to make time because part of their job, still some are difficult because for example, some officers have 12 hour shifts or 24/7, shortage of personnel, current standards are challenging, have to accommodate ADA requests, some prognosis are indefinite and cannot take the test, still need to be fit for duty, still need to adopt a baseline standard, testing gradually to get to standards, concern about pre-existing conditions.

GFD mentioned that GFD is also challenged with the circumference requirement. That can pass the other requirements but the circumference is still an issue.

-Believes the POST Commission was being pressured in getting the standards passed in the Guam Legislature.

-Knows the entire AFI contains more pages that the POST has not reviewed.

-Possible class action suit might come out, complete report was not provided.

There were further discussions. Recommend to hold vote on proposal until next month. Take back to respective agencies and present with results.

### **MOTION**

**M/S/C (J. Lizama, Guam Probation/Guam Police Department): Move to table the vote on PFQT amendments/proposals until September 1, 2016, or until the next POST Commission meeting and provide data on random testing with the current standards and proposed standards by the Office of the Attorney General and every agency to have at least ten percent (10%) tested and report on this analysis, to include testing previously done. Unanimously approved, motion adopted.**

**2. POST Forms-approval.** The Chairman explained that all have reviewed the forms and will go through each agency's recommendations and questions before adoption of said forms, as follows:

1. Guam Fire Department: No further comments.
2. Attorney General's Office:
  - Referred to Form 16-06, not matching the document title on the page footer.
  - All forms will be reviewed to match both.
3. GPD by R. Perez.

- Informed Consent to Participate in a Physical Fitness Qualification Test (PFQT) form. Referred to the question “that this program is voluntary...” and said not sure if this is correct because it is mandated by statute. The Chairman explained that this paragraph is included because the PFQT will be implemented December 2017.
  - Asked if there is an actual waiver form for those who are “grandfathered.” The Chair explained that there is none.
  - Medical Approval Form for POST Physical Fitness Qualification Test. Captain Perez informed the Commission that the clinic in the Andersen Air Force Base on Guam has a checklist that he recommends to be adopted. Said he will try to obtain a copy.
  - Asked what is the sheet POST Recommended Standards Leadership Qualification. The Chairman explained this is for discussion under the New Business.
4. DOA by Mr. Francis Flisco.
- Guam POST Commission Fitness Screening Questionnaire Form. Referred to Question Item 2, “Are you 35 years of age or older?” Questions the age. The Chairman explained that the forms adopted are Air Force forms.
    - GFD Joey Manibusan explained the rationale of why the Air Force uses “35 years of age or older” is because you are susceptible to certain diseases at this age. However, should an individual have a specific medical profile, the Andersen Air Force Base clinic on Guam provides a form for an individual’s primary physician for a medical approval.
    - A recommendation from the Marshal’s with **Item #2 is to include after the sentence, “No: Stop. Sign form and return to your Fitness Program Manager.” The following should be added after this sentence: “Member may take the fitness assessment.”**
    - T. Masga suggested that since the Air Force forms are being utilized as model forms by the POST Commission, ensure items and sentences are completely duplicated before final adoption. The Chairman said he will re-check the forms and ensure corrections are done.
    - Application for Peace Officer Certification Form.** Asked if this application is for current or new officers. The Chairman explained this is for both. This is the proposed form also reviewed by GPD Chief Cruz and after discussion from previous POST Commission meetings. May be utilized by all agencies as a checklist and as a standard application. The front page will have a sentence noting this is for former, new and current hires.
    - Ms. Barbara Perez from the Judiciary HR, suggested that “Ethnicity, Gender and Date of Birth” should be removed. Social Security Number should remain for background check purposes. There were discussions and the Commission agreed to **remove Items #8, #9 and #10 on the Application for Peace Officer Certification.**
    - Further recommendations by Mr. Flisco with the Application refers to the first sentence of the last paragraph on **Page 3 under Item #20 to add “at minimum” after the word “and” to state: The background investigation shall include information provided by personal references, schools, and “at minimum the last three (3)years” the last three (3) previous employers...”**
    - Under Page 4: Add “date:” after the word “No” on Items#21 and #22.**
    - Under Page 4: Delete Item #23, “Applicant has undergone a psychological evaluation...” Item #24e should cover this subject.**
    - Under Page 4: delete “employee” and replace with “applicant.”**

-At this time, Mr. Flisco referred to Page 6 regarding Item #28. There is no change but asked that the Commission **respond to the letter the Department of Administration submitted regarding the Reading and Writing Proficiency.**

5. No further input from GFD, AG, DYA or DOC.

At this time, the Chairman noted that all of the forms will be reviewed. The Commission will renumber the forms accordingly and ensure the title at the top matches the page footer. The Commission recommended that all forms will be reviewed by the Office of the Attorney General of Guam to ensure all statute citations are correct and further corrections

Form 1: Application for Peace Officer Certification.

**MOTION**

**M/S/C (Guam Port Police/Office of Customs & Quarantine): Move to approve the Application for Peace Officer Certification as Form #1 as presented with recommended corrections herein, subject to future amendments and pending legal review, with corrections. Unanimously approved, motion adopted.**

Form 2: Title 27.

**MOTION**

**M/S/C (Guam Judiciary, Marshal's Division/Office of Attorney General): Move to approve the Title 27, Guam Administrative Rules, Chapter 3, Guam POST (Peace Officer Standards and Training) Commission as Form #2 as presented with recommended corrections herein, subject to future amendments and pending legal review, with corrections. Unanimously approved, motion adopted.**

Form #3: Change of Status

**MOTION**

**M/S/C (Office of Attorney General/Guam Port Police): Move to approve the Change of Status as Form #3 as presented with recommended corrections herein, subject to future amendments and pending legal review, with corrections. Unanimously approved, motion adopted.**

Form #4: Physical Fitness Qualification Test.

**MOTION**

**M/S/C (Office of Attorney General/Guam Port Police): Move to approve the Physical Fitness Qualification Test as Form #4 as presented with recommended corrections herein, subject to future amendments and pending legal review, with corrections. Unanimously approved, motion adopted.**

For #5: Informed Consent to Participate in a Physical Fitness Qualification Test (PFQT). This will be used until December 2016 and testing now is voluntary. A recommendation is for the form to expire December 2016 when the test is mandated.

### **MOTION**

**M/S/C (Guam Port Police/Guam Judiciary, Marshal's Division): Move to approve the Informed Consent to Participate in a Physical Fitness Qualification Test (PFQT) as Form #5 as presented and subject to expire in December 2016, future amendments and pending legal review, with corrections. Unanimously approved, motion adopted.**

For #6: Training Schedule. Used for courses that are being taught. Recommendation is to include the instructor's name, course title, hours and date. Delete year.

### **MOTION**

**M/S/C (Guam Judiciary, Marshal's Division/Guam Port Police): Move to approve the Training Schedule as Form #6 as presented with recommended corrections herein, subject to future amendments and pending legal review, with corrections. Unanimously approved, motion adopted.**

For #7: Lesson Plan. Recommendation is to delete Item #7 and #8, adjust numbering of all items. Item #9 changes to Item #7 and should add ", IF ANY," after the word "PREREQUISITES." On Page 3, recommendation to revise and add at the bottom of this page "CONCURRENCE" for signature by the "DEPARTMENT HEAD" with a "DATE" for signature of both the instructor and the department head.

### **MOTION**

**M/S/C (Office of Attorney General/Guam Police Department): Move to approve the Lesson Plan as Form #7 as presented with recommended corrections herein, subject to future amendments and pending legal review, with corrections. Unanimously approved, motion adopted.**

For #8: Guam P.O.S.T. Commission Application for Instructor Certification (For Agencies). The Chairman mentioned he spoke with Mr. J. Pete Roberto, GCC Department Chair for CJ, regarding this form and other concerns. Recommend GCC to also this form. The Commission recommended that since this is a P.O.S.T. Commission form, there might be a confusion with logo on the form and should delete the GCC logo. Recommendation for all P.O.S.T. Commission forms to have the P.O.S.T. Commission logo and the Guam Seal throughout all its forms.

Further recommendation as follows:

- Delete Item #9, Gender and Item #10 DOB.
- Item #15, delete "Position" and add "Agency"
- Item #11, add ", if applicable" after the "Driver's License#" and "Firearms Identification Card#"
- Item #18, to delete the last sentence "Certification as Adjunct Instructor for GCC."
- Review for grammatical errors "typos."

## **MOTION**

**M/S/C (Guam Judiciary, Marshal's Division/Office of Attorney General): Move to approve the Guam P.O.S.T. Commission Application for Instructor Certification as Form #8 as presented with recommended corrections herein, subject to future amendments and pending legal review, with corrections. Unanimously approved, motion adopted.**

Form #9: POST Criteria Training Instructors.

Recommendation as follows:

- Delete the word "Trainer" and add "Instructor" throughout this form.
- Delete the word "and up to date" under Item #1
- Delete under Item #2, the word "GCC and"
- Item #3 should delete and replace with "Instructor must follow the training organization's recommended re-certification guidelines."
- Delete Item #4, Item #7, Item #8, and the GCC logo
- Under Item #5, delete "indentifying" and should be "identifying"
- Review for grammatical errors "typos."

## **MOTION**

**M/S/C (Guam Port Police/Office of Customs & Quarantine): Move to approve the POST Criteria for Training Instructors as Form #9 as presented with recommended corrections herein, subject to future amendments and pending legal review, with corrections. Unanimously approved, motion adopted.**

Form #10: Medical Approval Form for POST Physical Fitness Qualification Test.

- Recommend removing the whole sentence under the word "Note: This test is modified..."

## **MOTION**

**M/S/C (Office of Attorney General/Guam Judiciary, Marshal's Division): Move to approve the Medical Approval Form for POST Physical Fitness Qualification Test as Form #10 as presented with recommended corrections herein, subject to future amendments and pending legal review, with corrections. Unanimously approved, motion adopted.**

Form #11: Guam POST Commission Fitness Screening Questionnaire.

- As previously discussed with recommendations herein.
- Recommend that all the forms shall remove GCC logo and replace with the Guam Seal logo, and all should have the Office of the Attorney General review for legal citations and grammatical errors.

## **MOTION**

**M/S/C (Office of Attorney General/Guam Judiciary, Marshal's Division): Move to approve the POST Commission Fitness Screening Questionnaire as Form #11 as presented with recommended corrections herein, subject to future amendments and pending legal review, with corrections. Unanimously approved, motion adopted.**

At this time, the following motion was made:

**MOTION**

**M/S/C (Guam Judiciary, Marshal's Division/ Office of Attorney General):** Move to table the New Business in the Agenda for the next P.O.S.T. Commission meeting and adjourn.  
Unanimously approved, motion adopted.

**VII. New Business**

1. Proposal for Criteria for Supervisors, Managers and Executives (*Tabled*)

**VIII. Announcements.**

-All members to update points of contact.

**IX. Round Table Discussion.**

**X. Next Meeting Scheduled**-August 25, 2016

**XI. Adjournment.**

**MOTION**

**M/S/C (Guam Judiciary, Marshal's Division/ Office of Attorney General):** There being no further discussions, the meeting adjourned at approximately 1:20 p.m.

/s/

Dated this 29th day of September 2016.

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Bertha M. Guerrero  
Recording Secretary