



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

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



**P.O.S.T. COMMISSION MEETING MINUTES
Thursday, July 6, 2017**

I. Called to Order. The P.O.S.T. ("POST") Commission meeting of July 6, 2017 was called to order at 9:20 a.m. by the Vice-Chairman, Mr. Vincent Perez, Chief of the Guam Customs, 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: 7/6/17 Agenda; 5/11/17 Minutes; GPD discussion paper.

II. Acknowledge presence of Pete Mesa, Chief of Staff for Senator Telena Nelson. Mr. Mesa was in attendance and was acknowledged by the Commission.

III. Approval of Minutes from previous meeting of May 11, 2017. (No quorum for June meeting)

MOTION

M/S/C (DYA/GPD): Move to approve Meeting Minutes of May 11, 2017, with corrections. Unanimously approved, motion adopted.

IV. Chairman Remarks. The Chairman was unable to attend today's meeting, however, the Vice Chairman was in attendance.

a. June 1 P.O.S.T. meeting was cancelled due to lack of quorum and re-election of P.O.S.T. Chair. Mr. Dennis Santo Tomas, Executive Director, mentioned that although there was no quorum for the June 1, 2017 POST Commission meeting, there was an informal discussion and appreciated those who attended.

The Executive Director also informed the Commission that the current term for the POST Chairman will soon expire and advised that an election should be held before the end of July 2017. Anticipate the election to be held during the next POST meeting scheduled for July 27, 2017.

Vice Chair Perez encouraged the Commission members to submit nominations for this position and for a Vice Chairman for the POST Commission.

V. Executive Director Remarks

a. Meeting with Senator Nelson's on June 29, 2017.

The Executive Director attended this meeting and mentioned to the Commission that there were adjustments advised by Senator Nelson that should be made accordingly.

-The Exec. Director further mentioned that there were concerns by Senator Nelson and her staff with regard to the PFQT table initially submitted.

-One of the concerns was the time of 14-15 minutes for a one (1) mile run.

-Adjustments to the table were made with the help of the Exec. Director and the Senator's team.

-The Exec. Director mentioned the adjustments/details are still being worked out by the Senator's office as confirmed by Mr. Pete Mesa.

Mr. Mesa mentioned there were discrepancies such as the time for a runner to complete a time of 18:14 to pass compared to a walker who would have to walk faster with a time of 16:58 to pass.

-Mr. Mesa asked for input from the Commission members for a more realistic number, which will be introduced in the interim and can be modified later, if needed, based on the findings of the Commission's research and development committee.

The Exec. Director further mentioned the outcome of the meeting.

-That whatever chart is introduced, it is mainly so that each agency's fitness program are updated, solidified, and set up to include the medical portion. This is the time to start making the adjustments and recommendations.

-The chart is more to begin instituting the fitness program and to set a reasonable goal.

-The idea is to have a fitness program in effect.

Mr. Mesa further mentioned, that even with the deadline, the outcome is to not to jeopardize the law enforcement community with lay-offs, or jeopardize the safety of the public.

Mr. Mesa said that the details regarding this is still being worked out with the other senators in the Guam Legislature. That not all of the senators have agreed with the modifications but want to ensure there is compliance with the requirements and anticipate coming up with the best recommendations once this is brought during session before the Guam Legislature.

Chief Perez mentioned that if you refer to the AFI, there are provisions that allow an individual member's capacity to be able to get into a shape reasonable enough to be able to pass.

-This begins with counseling and then an individual is referred to a nutritionist or to a health and wellness center.

-Supervisors and managers are able to counsel the individual and then sanctions are then applied.

Mr. Mesa explained he understands this. Is also aware of the first testing beginning of 2017 and final testing December 2017 to be in compliant.

-He further mentioned that Senator Nelson's intent is to work with the Commission members to find a solution.

The Exec. Director asked Mr. Mesa for clarification purposes, the following:

- On behalf of the Commission he explained that should Senator Nelson need more adjustments, the Commission will work on the table.
- That the Commission will work on the Senator's timetable of the submission of the proposed bill by the end of July 2017.
- That one of the changes in the proposed bill is to include the Guam Airport's Fire Department as peace officers under Category II.

Mr. Mesa further mentioned the following in the proposed bill:

- Through a Research & Development team, July 1, 2018 is the suspense date for the POST Commission to come up with a more concrete fitness plan that should entail how to achieve this fitness goal, a nutritionist guide, including a fitness test.
- The bill should also indicate when the test dates will start.
- Because this is an interim modification and if the Research & Development team does not come up with a fitness plan, then this will fall back to the AFI plan.

The Exec. Director reiterated what Mr. Mesa was explaining.

- That the expectation of Senator Nelson is for each respective agency's Research & Development team to work together and collaborate and develop a comprehensive fitness plan that is inclusive of a fitness test, a regular fitness program, a nutritional program for educational purposes that all will feel can be achieved by working together. This should be complete by July 1, 2018 and if it cannot be completed then the Commission would have to comply with the AFI, as adopted.
- Believes this can be done.

A copy of a modified PFQT chart was developed and issued to the members. There were some concerns, as follows:

- GPD Chief Cruz mentioned this is the first time to see this.

It was mentioned that the table initially provided was too lenient.

There were the runner/walker test, discrepancy like this was confusing.

Some of the run times, 16:22 on a 50 yr. old, 16:40 to walk 1 mile, etc.

Brought down to 1 mile. But when you refer to the AFI, is that the AIF 1.5 and walk was a 1.2.

Hurting some of the walkers.

As a Commission should decide on this first.

Need to validate this because this is the first time Chief Cruz has reviewed the chart.

How much time can the R&D put together to be included in the proposed bill to address.

This is the timeline: December 31, 2017 is the compliant date and Legislative session should have to be by November 2017. The bill would need a committee report in November 2017. A bill should be produced sometime in October 2017. Needs a month to go through legal review and would want to give leeway for adjustments. It should be no later than August 15, 2017 in order to introduce the Bill by September 2017.

Mr. O'Mallan asked regarding the current data and would a draft be possible to submit by July 27, 2017.

Chief Cruz wants to be able to test at least 10% of the police officers with the modifications and based on the data he currently has by at least validating that he has done this before submitting to the Senator.

There were further discussions. A question was raised as to the overall feeling of the senators with the proposed bill.

Mr. Mesa explained that the feeling within the senators are mixed but all are willing to come up with a solution.

-They do not want to hurt the law enforcement community. Because if the law enforcement community is hurt, it affects the public. They are willing to compromise.

-Mr. Mesa further explained that when the numbers/data are received, it will be brought up for discussion.

-He further explained that one of the delays for this proposed bill is the public hearings and the reason for pushing the Commission to submit its proposal as soon as possible by July 27, 2017.

There were further discussions that the Commission will utilize the current table presented to them today. Another issue brought up is the decertification of peace officers. Especially those that have served for a long time but was injured in the service and “should not be looked as an undesirable.” Should be given consideration.

It should be noted on the table that under the female category where it states “walk” another one below should state “run.”

MOTION

M/S/C. (J. Cruz, GPD/O’Mallan, AG): Motion was made that when the Guam P.O.S.T. Commission meets by July 27, 2017, and decide if the modified table herein is to be used as an interim standards for the P.O.S.T. Commission and when transmitted to the office of Senator Telena Nelson to be codified into a bill, to be introduced and anticipate passing into law that will amend this as an interim standards, or until one can be decided through the Research & Development Committee for the Commission, and/or through another table recommended to be more feasible. Unanimously approved, motion adopted.

There was a question from the Airport Fire Department.

-They have a program that is currently being utilized and asked if they can incorporate language from the Airport Fire Dept. into the standards.

The Exec.Director informed Airport Fire Dept. that what is currently being done is to develop minimum standards for peace officers and that what each agency does beyond the minimum standards would be a departmental decision.

The GPD Chief was asked how GPD conducts its testing. GPD Chief Cruz explained the following:

-GPD has a program that does a random sample of the (GPD) force that have yet to pass the test.

-All the names of the officers from the different divisions are inputted into the system.

-From this database, 10% are picked by random sampling.

-Officers are then informed that they will be tested.

Comparative analysis with data agency currently has to validate with the chart.

-However, Chief Cruz mentioned he will have GPD conduct a physical testing with the new chart.

The Exec. Director asked that each agency provide the data by utilizing the chart, **Guam P.O.S.T. Commission PFQT Standards 2.0 (July 2017).**

-Make adjustments as needed and provide recommendations.

- Do not have to conduct another physical testing, but can compile current data and apply that data to the chart herein and see where adjustments need to be made.
- Each agency should provide input/recommendations at the next meeting.
- Will then submit said findings to Senator Nelson as an interim physical fitness measure.
- Thereafter, time will be given for the Research & Development team to put together a more complete package by July 2018.

b. Comments on new PFQT Table.

At this time, GPD Chief Cruz submitted a **Discussion Paper for the P.O.S.T. Physical Fitness Qualification Test.**

GPD Chief Cruz mentioned the following:

- This paper references Public Law 32-232 regarding the progress of the POST Commission PFQT from GPD's perspective since Chief Cruz was involved.
- A report of physical testings, meetings and a summary thereof with recommendations were provided in this paper.

Chief Cruz further mentioned:

- He respects the Air Force and his members but cannot take the AFI and inject into the GovGuam.
- The AFI consists of 10 chapters to support a service member for success and GovGuam does not have the mechanism that the Air Force has for the same support.
- There is no budget to include mechanisms such as a nutritional counseling.
- Need to get out of the mindset that AFI is the answer and that a Research and Development team is the answer.
- Things have to get done and recommend Lt. Mark Torre as the chair the POST Commission's Research and Development team.
- Develop something that links all law enforcements and the spirit of the intent of the law of PL 32-232 (Bill No. 418-32 [COR]).

MOTION

M/S/C. (GPD/AG): Move to accept the chart herein and nominate Lt. Mark Torre as the chair for the Research & Development team for the POST Commission. Unanimously approved, motion adopted.

There were further discussions:

- B. O'Mallan mentioned for agencies not to take its time in collaborating with GPD, time is of the essence.
- Also mentioned was that each agency should have its sets of standards because each does different jobs. What will be brought before the Senators are reports specific to each agency.
- There should be legislation that allows for a nutritionist, trainers, etc. for public safety.
- If law enforcement agencies are to uphold the standards, tools would have to be provided to do so.
- Budgeting should be provided to support law enforcement agencies to meet the mandates of Public Law 32-232.

A concern was raised regarding the medical waiver for peace officers to sign.

- Asked whether a medical waiver is good enough from an AG's point of view.
- B. O'Mallan said the waiver would have to be reviewed further by the AG.
- Whether a waiver is good enough to conduct these tests.
- What happens should an individual pass out during one of these tests.
- Program should have a medical surveillance to cover nutrition, build a baseline and work from there maybe collaborate with Public Health.
- There should be clearance from an occupational physician whether an individual is qualified to participate in these tests.
- There could be a liability issue involved.

Another concern raised and from a Dept. of Agriculture employee are as follows:

- Have had officers volunteer for a physical exam for their safety and was out of their personal funds.
- But when it becomes mandatory by the Government of Guam, it should not be that way.
- Should have this resource available to the officers.
- To have an annual physical to determine whether an officer is fit to participate in a mandatory program should be covered by the government from the beginning.
- Agrees with the other members that each agency would have to consider each agency's needs.
- Job currently this officer does entails a lot of walking in the jungle in the dark no matter the weather.
- Extremely tired by the end of a night shift with fellow officers.
- That the nutritionist is not going to help them. Just concerned about doing their jobs and keeping themselves fit enough to do so.
- Factors have to be considered for officers that work on shifts, especially those in the field.
- Asked what happened to the Commission's efforts in trying to bring this program out of the Legislative body and into the Commission so that it can govern itself.

GPD Chief Cruz pointed out there are three (3) recommendations per the Discussion Paper GPD submitted.

- That one of the recommendations is to give the authority back to the POST Commission to promulgate rules and regulations specific to the public safety of Guam with an oversight by the Guam Legislature.

The Exec. Director mentioned he has addressed this to Senator Nelson's office and anticipate the proposed bill will incorporate giving the Commission flexibility to make the changes as needed and as seemed fit as a Commission.

Another concern brought up is that each doctors conduct different physical check-ups and there is a need to incorporate standards as to what type of physical check-up should be done prior to taking the PFQT.

- Agree with the Commission moving forward with standards but should push for legislation to first give autonomy for the Commission and from there to provide standards through autonomy.

-GPD Chief Cruz commented that this could be an option to amend the law for full autonomy and hold the Commission accountable.

-Another member mentioned that there are other Boards and Commission within Government of Guam that have full autonomy.

-That after the findings and recommendations of the Research & Development Committee, a decision could be made within the Commission to approve and implement the same.

GPD Chief Cruz further mentioned:

-GPD conducted a climate survey for the whole GPD force for input regarding the current PFQT standards.

-That the survey was conducted via hard and electronic copies.

-GPD will continue to conduct surveys on a regular basis to get GPD employees' perspectives on certain issues.

- c. Agency Research & Development Teams tasking due July 1, 2018 (*as discussed herein*)

VI. Chief of Staff Pete Mesa

- a. Status on Proposed Bill by Senator Telenia Nelson (*as discussed herein*)

VII. Next Meeting Scheduled. July 27, 2017.

VIII. Adjournment.

MOTION

M/S/C (Guam Police Department/Port Authority Police): There being no further discussions, the meeting adjourned at approximately 10:30 a.m.

/s/

Dated this 3rd day of August 2017.

Bertha M. Guerrero
Recording Secretary