



PEACE OFFICER STANDARDS & TRAINING COMMISSION

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P.O.S.T. COMMISSION MEETING MINUTES Thursday, September 29, 2016

I. Called to Order. The P.O.S.T. (“POST”) Commission meeting of September 29, 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 Torre, Lieutenant, 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 Aguon, Guam Attorney General’s Office;
5. Mr. Vincent S.N. Perez, Asst. Chief; 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. Mr. Dennis Santo Tomas, Program Specialist, Guam Community College, and Executive Director, POST Commission.
10. Mr. Edward Toves; Mr. Vince Naputi, Unified Courts of Guam Judiciary, Marshal’s Division;
11. Mr. Ronald Castro, Guam Fire Department;
12. Mr. John Lizama, Probation Division, Unified Courts of Guam Judiciary;
13. Personnel Services Division Administrator, Department of Administration (no attendance);
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: 7/1/16 Meeting Minutes; 9/29/16 Agenda; Updated POST Commission forms from the previous POST Commission were submitted by Chief Robert Camacho, POST Commission Chairman.

III. Approval of Minutes from previous meeting of July 1, 2016.

MOTION

M/S/C (Office of the Attorney General/Guam Police Department): Move to approve Meeting Minutes of July 1, 2016, with corrections. Unanimously approved, motion adopted.

IV. Executive Director. The Chairman mentioned Mr. Dennis Santo Tomas was recently reinstated by GCC. There were some discussions regarding his position as the POST Executive Director now that the POST Administrative Rules and Regulations have been passed into law. There were no objections with his reinstatement, however, the Commission just wanted to ensure there will be no problems later. The Chairman seek clarification and report back to the Commission. At this time recommendation was made that Mr. Santo Tomas be appointed as an Interim Executive Director.

MOTION

M/S/C (Office of the Attorney General/Chief Marshal): Move to approve the appointment of Mr. Dennis Santo Tomas as the Interim Executive Director for the P.O.S.T. Executive Director. Unanimously approved, motion adopted.

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

VI. Old Business

1. PFQT Proposals. The Chairman explained there were data to be submitted to the Commission as to results of testing by agencies.

Agency Statistics:

At this time Lt. Mark Torre, in charge of GPD Training & Staff and three GPD Officers submitted a discussion paper to the Commission referring to the POST Commission Administrative Rules & Regulations passed into law in 2014.

-Reference was also made concerning the different categories for the Guam Police Department and the PFQT.

-In an effort for GPD to comply with the new law, it established a new physical fitness policy in January 2015.

-GPD initiated training and classes to educate and familiarize its officers, including reservists on the new POST Commission requirements.

-GPD provided its officers free health screening and administered three PFQT testing in January, April and 2016. The results of these diagnostic testing was not favorable.

-The Commission recently approved a modified PFQT and GPD administered a PFQT testing in August 2016 There were further discussions with the modified version. The results were still not favorable.

-GPD risks losing approximately 70% of its workforce if tested with the current PFQT.

-More information was provided in the discussion paper and PowerPoint presentation to include passing, failure rates, and numbers tested, etc.

There were further discussions as to the PFQT standards:

-What PFQT testing would work best for Guam.

-Waist circumference and runs are challenging.

Marshal's Division, Judiciary of Guam presented the following:

-There are 159 LEOs in the Judiciary, Deputy Marshals, Probation Officers and Volunteer Deputy Marshals Reservists.

-Based on results of the last PFQT of 159 participants, 63% passed.

- Utilizing the modified standards, pass rate increased to 73% based on adding 1 minute to the run and removing the abdominal circumference.
- Recommendation for 1 mile run rather than a 1.4 mile run, 1 minute push-ups and 1 minute sit-ups, the passing results might increase further.
- Should the a mile run be a big factor, consider increasing it to 1 minute, 15 seconds or 1 minute, 30 seconds, might increase another 3-4%.

There were further discussions that although some are passing the current PFQT standards some modifications would have to be made for a fair test for officers.

- Maybe form a subcommittee to figure a way to make amendments to the law.
- Modifications should not jeopardize officer's job performance in providing public safety, including their safety.
- Implementation deadline might have to be changed, not just to increase passing rate but a fair test.
- Still mirror similarities to the current PFQT testing.
- Senator Aguon has been approached by law enforcement community regarding the standards.
- Input from all law enforcement agencies would be needed, compile each agency's stats.
- Recommendation to compile by gender, age and results as a pass or fail.
- Present modifications before the Legislature together as a group.
- Chief Bob willing to coordinate and gather stats but still need support of POST Commission members.
- GPD to coordinate meeting with Senator Aguon and provide stats.
- AG will check what portion can be modified without
- Decision has to be made as to the passing percentage, whether 75%, 80%, etc., agency wide. What standard will be accepted. Something for the trainers in the committee to decide.

MOTION

M/S/C (Guam Judiciary, Marshal's Division/ Office of Attorney General): Move to decrease the run to one mile, keep the same standards but is a pass or fail. Unanimously approved, motion adopted.

Further discussions:

- The Chairman will schedule a meeting on October 18, 2016 at 9:00 a.m., for trainers/subcommittee to meet at the Airport Conference Room.
- Deadlines for all agencies will complete their diagnostic testing to report out December 29, 2016.
- For officers in the military, there is a question of fairness if individual passes the military, will they accept the military score.
- Since standard is for Government of Guam, should comply with the Government of Guam. These are items for the subcommittee to consider.

Discussion from a member saying he spoke with GPD concerning issues with the PT program regarding the "grandfather" clause.

- Staff attorney did research for individuals hired before 2007 and concluded that all standards have to be met whether hired before or after 2007.
- Wanted the AG to be aware of this research and asked if AG O'Mallan can further conduct a research into this.
- The Chairman explained that AG Monty May did confirm that everyone has to comply in meeting the standards.

Discussion and Vote for PFQT Changes:

2. **Forms Revised and Adopted.** The Chairman provided copies to the Commission. No other action taken.

VII. New Business

1. Supervisor, Management and Executive Criteria. A copy of the criteria "Post Recommended Standards Leadership Qualification" was provided for consideration by the POST Commission.

Chief Bob explained this was tabled from the previous POST Commission meeting and was also discussed with the training officers from different agencies several months ago.

-Chief Bob further explained issues discussed were the different levels, including leaving it up to each agency to create its basic supervisory and basic leadership course, or allow the Guam Department of Administration (DOA) to do this.

-However, discussions were also made with regards to the importance of experience and education at the same time and to the level of form that it would be appropriate.

-Another discussion was the "5 years experience within the field of law enforcement."

-Chief Bob mentioned that the law is very specific with regards to the minimum requirements for the Chief of Police, the Chief Marshal, the Chief Probation Officer, Director of Corrections and Director of Customs and Quarantine Agency

AG mentioned referred to the list and advised of certain positions such as the Director, which are appointed positions and positions under the Courts, which is under the Judicial Branch.

-There were other discussions referring to what is written in the POST law as far as what is a requirement and what is recommended for the agencies.

-As far as recommendations, then it would be the agency's decision whether to increase its standards or not.

-However, as a Commission, a decision should be made as a whole to agree and establish the basic standards.

-There were further discussions to include DOA reviewing the list and establish said list to ensure qualifications are met and adjustments made as required per the law.

-Understood each agency has its mission and unique requirement but need to ensure the standards are met.

-Recommendation was made that there should also be a standard pay schedule; however, each agency has a separate pay schedule.

-It was mentioned as an example to follow the model of teacher certifications. You cannot teach without a certificate, just as you cannot be a police officer without a certificate.

-At this point, there is no deadline in meeting this leadership criteria, however, can decide on a deadline to allow opportunity to be in compliance.

-It was decided for each agency to review this again with their HR and make further recommendations at the next POST meeting.

-AG O'Mallan reiterated that these recommendations were not manufactured by one individual but through meetings and working sessions several years ago and when agencies send different officers to attend the POST meetings; it can be frustrating when they come with a different mindset and the

same issues are brought up. Each agency has to assign representatives that will commit in regularly attending the meetings. He understands the comments are valid but these are similar comments already brought up and previously discussed three years ago. The goal is to raise the standards and approve the professionalism for all law enforcements and move forward. That education should be made a part of the standards.

-Again, the deadline to implement is another issue and giving consideration to timeline but be cognizant of the goal, which is to raise the standards.

-Another issue brought up was experience vs. education.

At this time the Chairman mentioned that all issues brought up are important, however, he did issue this criteria last month for each agency to review. He did not receive a response. He further mentioned that training officers, chiefs, lieutenants, individuals who have been in law enforcement for awhile met last year to provide these recommendations. He then recommended members to bring their respective HR to provide input and anticipate adoption at the next meeting for submission to DOA.

2. POST Commission Certification. Mr. Dennis Santo Tomas has reviewed requests for POST certification and will report out once complete.

VIII. Announcements.

IX. Next Meeting Scheduled-October 27, 2016

X. Adjournment.

MOTION

M/S/C (Port Police/ Office of Attorney General): There being no further discussions, the meeting adjourned at approximately 11:40 a.m.

/s/

Dated this 3rd day of November 2016.

Bertha M. Guerrero
Recording Secretary