



**GUAM PEACE OFFICER STANDARDS  
& TRAINING COMMISSION (POST)**  
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**P.O.S.T. COMMISSION MEETING MINUTES**  
**Thursday, January 28, 2021**

**I. Called to Order.** The P.O.S.T. (“POST”) Commission meeting of January 28, 2021, meeting was called to order at 9:40 a.m. by the Executive Director, Mr. Robert D. Camacho, also the Deputy Director for the Department of Corrections, via Zoom and was later conducted by the Guam Police Department Chief Stephen Ignacio, The POST Commission Chairman.

**Roll Call by Agency/Department:**

Member-agencies/other agencies: Please refer to the sign-in sheet. Quorum was established. Representatives from Guam Police Department, Guam Airport Police, Guam Attorney General’s Office, Guam Customs & Quarantine Agency, Department of Corrections, Unified Courts of Guam-Probation (Judiciary), Guam Fire Department, Department of Youth Affairs.

**Documents Received.** Document(s)/Packet: January 28, 2021 Agenda; December 11, 2020 P.O.S.T. Minutes; Bill No. 31-36 (COR), An Act To Add § 4101.2 To Chapter 4 Of Title 4, Guam Code Annotated Relative To Modernizing A Process Which Would Allow For The Streamlining In The Recruitment And Hiring Of Law Enforcement Officers, To Be Known As “*The Swift Appointment Modernization Act Of 2021*”; Bill No. 34-36 (COR), An Act To Add § 51102.30 To Chapter 51 Of Title 17, Guam Code Annotated, Relative To Authorizing The Post Commission To Establish A Standardized And Uniformed Law Enforcement Officer General Force Leadership Structure Tier And Pay Scale Plan For Peace Officers, To Be Known As “*The Post-Attraction, Retention, And Incentive Act Of 2021.*”; December 2020 Fact Sheet from the U.S. Department of Justice, Office of Community Oriented Policing Services, “*Safe Policing for Safe Communities*” relative to the Presidential Executive Order (EO) 13929.

**II. Review and Approval of the Minutes of December 11, 2020.**

**MOTION**

**M/S/C: (GPD/Customs): Motion was made to approve the Guam P.O.S.T. Commission Meeting Minutes of December 11, 2020, with corrections. Unanimously approved, motion adopted.**

**III. Chairman/Vice Chairman Remarks.** *None at this time.*

**IV. Interim Executive Director Remarks.** *None at this time.*

**V. Old Business.** *None at this time.*

## VI. New Business

**1. Presidential Executive Order 13929.** The Chairman explained that a Presidential Executive Order 13929 was signed on June 16, 2020, by President Donald J. Trump regarding “Safe Policing for Safe Communities.”

-A copy of a Fact Sheet dated December 2020, consisting of 4 pages were provided to the POST members.

-The Chairman informed members of the Guam POST Commission that the biggest impact in this Executive Order is to be aware of certain requirements that law enforcement agencies must meet if it receives grant funding through the U.S. Department of Justice.

-May also look this up on the U.S. Department of Justice website under the Office of Community Oriented Policing Services (COPS).

-The Chairman thanked Major Chong for taking the lead for GPD in this research.

The Chairman further explained the following:

-One of the requirements is the ban of the use of choke hold and adherence to laws regarding the use of force.

-That Guam law enforcement agencies would have to modify its policies regarding the use of force to be in line with this Executive Order.

-Another impact this Executive Order has is credentialing of agencies.

-The Fact Sheet refers to a list of national credentialing agencies and that most of these agencies are the State P.O.S.T. Commissions.

-The Guam POST Commission is not listed.

-The Chairman explained that he mentioned this to Ms. Stephanie Flores from the Guam State Clearinghouse, is the Guam agency that reviews Guam’s grants, and was informed that although Guam is not currently listed, this Executive Order applies to the U.S. Territories, and Guam is included.

-All Guam law enforcement agencies would have to comply.

-The Chairman further mentioned that the GPD’s use of force policies are currently under review with the Guam Attorney General’s Office due to this being a legal matter.

-The Chairman also mentioned that the COPS Fact Sheet provided also has important information such as case laws that will help in modifying agency policies, what agencies need to know, do and who to contact, etc. Further information may be obtained from the COPS website:

<https://cops.usdoj.gov/contactcops>.

-The Chairman reiterated the importance of this Executive Order and believes all Guam law enforcement agencies receive funding from the U.S. Department of Justice.

-Other than the COPS grants, it could affect the Paul Coverdell or Bryne JAG grants, etc.

-That there are no other Executive Orders received to date to change or rescind this EO with the current Administration (Biden/Harris).

-The Chairman asked all POST members to have each department leader review the President’s Executive Order 13929 and Fact Sheet.

-That all agencies should be aware of its requirements and to find ways to update each agency’s General Orders, Standard Operating Procedures, and Rules and Regulations to make them in line with this Executive Order..

-Agencies are at risk of losing Federal grants if not in compliance.

The Chairman also wanted to bring this before the Guam P.O.S.T. Commission and advocate it to be Guam's credentialing body.

- There is a list of independent credentialing bodies that can be contracted but at a cost.
- Ask to discuss this matter at the next POST meeting.
- The Chairman will send more information regarding the Executive Order to the POST members.

The Executive Director also asked that the POST members review this Executive Order.

- Everyone to provide input at the next POST meeting regarding the Executive Order.
- Everyone to have the same definition with the levels of force, etc., and requested for Major Chong to assist with this.
- As a Commission to also have a thorough input at the next meeting.

The Chairman explained that he would like to work with the Public Safety Chair and that most states want to have this codified in their statutes so that it clearly defines the use of a choke hold as illegal.

- He will conduct additional research on this.
- Mentioned he will work on this proposal and with Senator Pedro Terlaje to draft a proposed legislation to be in line with the Executive Order.

The Executive Director mentioned that it is important to also have training officers provide their input.

- That training officers are the instructors for these training sessions.
- Willing to join the Chairman in any meetings he attends regarding the proposal.

The Chairman mentioned that the Executive Director brought up a good point regarding the training officers.

- That because GPD is currently going through an Academy, he will be requiring the training officers to provide Chief Ignacio with their curriculum regarding defensive tactics training.
- Want to make sure that there are no instructions in the use of a chokehold.
- In visualizing the use of a chokehold, it is someone from the rear restricting the blood flow via the neck.
- The Chairman explained that the Factsheet defines a chokehold further as any type of force used to restrict the flow of blood and used the "George Floyd" incident as a case example.
- That this definition of a chokehold falls outside the boundaries of what is envisioned as a chokehold visually.
- He wants to ensure that training officers are not utilizing chokeholds as part of their training.
- The Executive Director agreed with this as well, that DOC has been taught Jiu Jitsu which uses this maneuver.

The Chairman also mentioned that this issue has been brought up with Mr. Joey Munoz and Mr. Pete Roberto with the GCC Criminal Justice Academy and to make sure instructors teaching the Academy are aware of this Executive Order and the banning of the chokehold.

There were further discussions regarding the chokehold and the Presidential Executive Order:

- GFD brought up the point of instructors who should also teach how not to do a chokehold.
- GPD Chief Ignacio mentioned that this is part of their General Order to teach how not to do a chokehold.

Major Chong mentioned that there are other issues brought up within the Executive Order other than the chokehold ban.

- There is a duty to intervene, seeing officers doing something wrong and not doing something about is the duty to intervene.
- That medical care should be provided when someone is hurt due to police action.
- There should be a warning before any shooting, not a warning shot first but if feasible to inform an individual to stop otherwise the officer will use deadly force. Officers should be trained to do this.
- Shooting at a moving vehicle is highly discouraged, unless there is no other way to save the officers or another's life. There should not be a warning shot.
- All shots from law enforcement officers should be accounted for and documented.
- No-knock warrants banned, as an example with the Breonna Taylor incident when the boyfriend with a legal firearm did not know it was the police breaking into the house and was acting accordingly.
- Major Chong mentioned there are a lot of initiatives that will be implemented from the Executive Order and will be made a part of the GPD General Orders.
- If authorized, GPD will share this file with the POST members, however, it cannot be sent via email due to the file being too large and would need an external device.
- The Executive Director mentioned Major Chong brought up good points.

**2. Bill No. 31-36 (COR), An Act To Add § 4101.2 To Chapter 4 Of Title 4, Guam Code Annotated Relative To Modernizing A Process Which Would Allow For The Streamlining In The Recruitment And Hiring Of Law Enforcement Officers, To Be Known As “The Swift Appointment Modernization Act Of 2021,”** a Bill introduced by Senator James Moylan.

The Executive Director explained this Bill is to expedite the process of hiring Peace Officers.

- There has been delays in the processing of applications and review to hire Government of Guam law enforcement officers through the Guam Department of Administration.
- There were especially some difficulties during the Pandemic.
- The Executive Director suggested as a Commission, need to make a list of what are causing these delays and provide recommendations for the Senators to speed the process.
- The Bill recommends that five (5) days be given instead of ten (10) days for applicants to contest or appeal their application rating.
- Have continuous announcements and continuous application reviews.
- The Executive Director recommends taking a look at the background checks, polygraph and other issues that are required that can be processed expeditiously, or enhanced in order to hire officers quickly.
- Asked the POST members to review and provide input, or further discussions, if needed.

At this time, there was a question whether the Department of Administration (DOA) has enough personnel to vet the applications because this is most likely the problem.

- DOA has to address this issue first by hiring twice the number of staff currently working at DOA to process these applications.
- That all the law enforcement agencies are doing their best to process at their end but DOA needs help.
- The Executive Director also believes that part of the problem is the scoring factor. DOA does not seem to be consistent with this due to some instances where an experienced applicant is rated lower than an applicant who is just starting out.
- The Executive Director asked agencies to provide input.

The Chairman mentioned that the recruitment/screening process is good at DOA and understands we want to hire right away, however, he explained that as a GPD Chief who reviews and ultimately signs Personnel Actions, he takes the time to review an applicant's whole packet.

-That a thorough background investigation is crucial to the hiring process.

-The Chairman reviews the initial application, background checks, polygraph tests, psychological evaluation and other supporting documents submitted to include credit scores, child support payment checks, etc., to be thorough.

-Want to ensure officers hired are credible and trustworthy.

-Does not believe in the fast track process because he has seen the positive results of a good thorough background investigation.

The Executive Director mentioned POST members provide recommendations as to how to expedite the process but not jeopardize the integrity of the vetting process, or quality of review and said that the background checks are important and asked about the Judiciary's processing of applications.

The Judiciary explained that the Human Resources Division conducts the background check with the assistance of the Marshal's Division.

Customs Chief Vincent Perez mentioned that the public hearing for this Bill is on Monday, February 1, 2021 at the Guam Legislature but given ten (10) to provide testimony after that date.

-Chief Perez wanted to let the Commission know that it took almost a year for Customs to hire individuals from the Customs 11th Cycle, which graduated in 2019.

-The internal process was very problematic which consisted of a certification list, expiration list, moving from one list to another, reviews to include initial testing.

-That it has been very frustrating when Customs is 50% in manpower or less and just want to hire these twenty-five (25) recruits and coordinate those that require courses for POST Certification.

-Chief Perez asked to review the Bill and to provide testimony.

**3. Bill No. 34-36 (COR), An Act To Add § 51102.30 To Chapter 51 Of Title 17, Guam Code Annotated, Relative To Authorizing The Post Commission To Establish A Standardized And Uniformed Law Enforcement Officer General Force Leadership Structure Tier And Pay Scale Plan For Peace Officers, To Be Known As "The POST-Attraction, Retention, And Incentive Act Of 2021," a Bill introduced by Senator James Moylan.**

The Executive Director explained that this Bill will allow the Guam P.O.S.T Commission to meet and form a proposal on the pay scales for all the different rank structures with input as advisories from the Guam Federation of Teachers (GFT) and the Civil Service Commission in the completion of the Pay Scale Plan.

-That Chief Perez previously provided input, ideas as to being in line with the Federal Government.

-That this would also take extensive research.

-The Executive Director recommended input from each law enforcement agency and consider a task force.

-If this Bill is passed, the Commission would have to draft a proposal of the pay scales.

For information purposes, the Executive Director informed the POST members that the Governor recently gave the Corrections Officers as an incentive, a 25% Hazardous Pay, because the Department of Corrections was losing officers to the different agencies right after graduation.

The premise of this Bill is to make sure the equality of pay is across the board for all Government of Guam Law Enforcement agencies.

There were further discussions about retaining officers within its agencies.

-Will job responsibilities equal the pay across the board within the different agencies and is this feasible?

The Chairman, GPD Chief Ignacio mentioned that there is some basic law enforcement training within the Criminal Justice Academy but the length of training for a GPD Officer is the longest in comparison to the other Government of Guam law enforcement agencies.

-GPD training has other training beyond in classroom training and the CJ Academy to include General Orders, DUI, etc.

-That this Bill proposes that the POST Commission set its pay scale and unsure how fair that will be with other Government of Guam agencies in advocating for ourselves and not saying we should not do this but will be separating from the pay plan with the GovGuam DOA Rules and Regulations.

-That there is currently an LEO pay plan with GovGuam DOA and not sure how this is going to affect/change that.

-Does know there is a problem with retaining officers within the agencies and within the two (2) years he has been Chief, he has seen this happen often.

The Chairman will be meeting with the UOG School of Administration Dean Dr. Annette Santos and Dr. John Rivera this week on behalf of the GPD to conduct an interview and exit an interview report findings to the Chairman.

-Wants to determine why officers are leaving GPD.

-If for the Federal government, is it really for the pay.

-Could it be environmental reasons such as the workplace, or their bosses?

-Other possibilities could it be lack of equipment, lack of supplies, etc.

-What are the motivating factors for officers leaving GPD for other agencies or for the Federal government?

-Does not know the answer but maybe through this study by UOG he might.

-Anticipate will make a better decision on how to approach this Bill.

-Knows that Governor Leon Guerrero is doing a competitive wage act study for maybe beginning with Teachers and Nurses and anticipates Public Safety will be next.

-The Chairman was unsure if it would be for all Government of Guam employees.

-Not sure how this will affect this study but the Chairman mentioned the Executive Director is correct in saying this is a major undertaking.

-That this is a lot of work and as a Commission unsure if the Commission is capable of doing this.

-Unsure if the Commission is ready for such a technical issue.

The Executive Director is also not sure as with the Hay Study it was taking so long and never implemented.

-Can this Hay Study be revived and tweak, unsure, a lot of research to be conducted.

-That the two (2) Bills have due dates and will leave it to the individual agencies to provide input.

The Chairman understands that there is a “bottleneck” problem with processing of job applications at DOA.

- That he does have challenges with the applicants that once DOA processes these applications, DOA can provide stats as to how many applied, how many were qualified, etc.
- A challenge that GPD faces is that applicants are unable to pass a written test.
- For example, 100 applied for the Police Officer positions, 40 will pass but over 50% have a fail rate in passing the written exam. The fail rate is always higher than the passing rate.
- That by the time applicants are being processed at GPD, the number goes lower to possibly 25 accepting the job.
- Not sure if the problem started in high school where they are not prepared.

The Executive Director commented that the Commission would have to wait for the outcome of the public hearing for these Bills.

**VII. Next Scheduled Meeting.** February 25, 2021 at 9:30 a.m. via Zoom.

**VIII. Announcements**

Chief Joey Manibusan mentioned that GFD has various certification programs required for promotions and for their job responsibilities.

- That the Alabama Fire College is offering certification programs online due to the pandemic and budget constraints with the ProBoard Certification entity which is located in the Commonwealth Port Authority within our region, certain programs were cut.
- The Alabama Fire College is offering online certification for now and Dr. Richard Fee has agreed to be a Proctor and thanked him.
- Chief Manibusan wanted to reach out if the Executive Office for the POST Commission can also be a Proctor.
- In order to be a Proctor, you would have to complete a PowerPoint presentation.
- A Proctor information form would have to be submitted.
- A Proctor can be vetted and GCC is ideal because it is an educational entity and already set up.
- The GFD can Proctor for other agencies and asked for volunteers to Proctor.
- All law enforcement agencies can be Proctors as long as they submit the forms.

At this time, the media conducted interviews with some of the POST members via Zoom.

**IX. Adjournment**

**MOTION**

**M/S/C: (GPD-Ignacio/GPD-Chong): A motion was made to adjourn the meeting of January 28, 2021. Unanimously approved.**

There being no further discussion, the meeting was adjourned at approximately 11:00 a.m.

/s/

Dated this 30th day of March 2021.

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Bertha M. Guerrero  
Recording Secretary