



GUAM PEACE OFFICER STANDARDS & TRAINING COMMISSION (POST)

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96921



POST COMMISSION MEETING MINUTES Thursday, October 31, 2024

I. Called to Order. The P.O.S.T. ("POST") Commission meeting of October 31, 2024, was called to order in the Guam Community College Learning Resource Center, Room 112, at 10:48 a.m. by the POST Commission Vice Chair, Roseanna T. Castro-Stone, Assistant Port Police Chief, and assisted by the Executive Director, Mr. John Q. Lizama.

Roll Call by Agency/Department:

Member-agencies/other agencies: Please refer to the sign-in sheet. Quorum was established. Present are representatives from the Guam Police Department; Guam Port Authority Police; Guam Office of the Attorney General; Guam Customs & Quarantine Agency; Guam Department of Corrections; Department of Agriculture, Div. of Aquatic & Wildlife Resources; Unified Courts of Guam, Office of Probation; Department of Administration, Personnel Services Division; Department of Youth Affairs; Park Patrol, Department of Parks & Recreation.

Documents Received. Document(s)/Packet: October 31, 2024 Agenda; LEO General Force Structure Tier quick reference sheet; draft proposal for Category II standards.

II. Review & Approval of Minutes – April 1, 2024. *Review at the next mtg.*

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

IV. Old Business.

1. General Force Leadership Structure Tier (Tabled). (Work is being done to try to have this launched.)
2. POST Commission Regulations. Peace Officer Certification of Departments/Agencies
3. Discussion on how to Incentivize the Physical Fitness Test (Tabled)
4. Discussion on Implementation of INTERIM RECRUITMENT PROCESS to provide sworn LEOs more expediently to LE Agencies (Tabled-working on something to be presented to the POST Commission.)
5. Medical Program/Medical Profiles/POST Decertification. The Fire Chief from ARFF was unavailable and will present this at a later time.

The Executive Director explained the following:

- That one of the issues discussed to include with the Chairman and the Vice Chair is for all agencies to determine whether or not they should start establishing agency specific operational requirements for all positions.
- With this being established, with regards to profiles, medical issues and issues such as this, agencies will then know what the basic operational duties requirements are for each of its employees.
- Identifying what are the occupational duties that can still be performed while employees are under profile.
- This would have to be vetted by the POST Commission as well as by the Guam Department of Administration before moving forward on deciding whether to adopt agency specific operational requirements.
- The Exec. Dir. further mentioned that this is something he is requesting agencies to consider and for agencies to meet with its staff, such as the command and training staff and decide on this issue for discussion at the next meeting.

- i. Medical Profiles – Further discussion on how to deal with extended medical profiles moving forward. Plan of action to address these concerns moving forward
 - Recommendation:
 - 1. Establish Agency-Specific occupational requirement for all positions.
 - 2. Develop Agency-Specific occupational duties for Profiles.
- ii. POST Standard on Comprehensive Occupational Medical Program (Refer to presentation by previous POST Vice-Chair)
- iii. POST Development of Rules and Process for Peace Officer Decertification (Formalize a committee to establish plan of action to be developed moving forward. POST Vice-Chair) (Table)

V. New Business

1. **FY25 Budget.** The Executive Director informed the POST Commission that the Fiscal Year 2025 budget for the POST Commission has been received and has been loaded with GCC for the amount of \$300,000.
 - GCC has already issued a job announcement for an Administrative Assistant on October 24, 2024 and will close on November 7, 2024.
 - Next to be done is the procurement of office equipment, printers, computers, filing and cabinets.
 - The Exec. Dir. has already issued solicitation letters for computers.
 - The Guam Judiciary at this time has donated some filing cabinets to the POST Commission and the Exec. Dir. extended appreciation to Judiciary.
 - The lease agreement with GCC has been renewed until September 30, 2025.
 - The Exec. Dir. has requested for additional funding from the Administration.
 - The additional funding will help support some of the projects that were previously discussed with the previous Chair.
 - Mainly to support the POST Commission pay study to hire an individual to conduct a study and to work with the Department of Administration.

- This is to ensure that the study is done in support of what the POST Commission approved, which is the LEO General Force Structure, the general tier structure.
- Chief Vincent Perez created a quick sheet for reference and this was provided during today's meeting.
- Members were asked to review and should there be any questions, to inform the Exe. Dir., the Chair, and the Vice Chair as well as Chief Perez from Customs.
- The Exec. Dir. further informed the Commission members that by statute, the Commission is authorized to conduct the General Force Structure pay study.
- For a full copy of the General Force Structure Pay Plan, members may email their request to the Exec. Dir.
- The quick sheet should give Commission members an understanding of how that methodology was established.

2. Amendment to Title 27, Chapter 3, Section 3106(b)(1) Category I (Minimum Training Program)

The Executive Director informed the Commission that during the last meeting, the issue of whether the Commission has this authority was brought up.

- The Exec. Dir. confirmed that the Commission does have this authority to make amendments to Title 27 regarding the training based on the public law signed by Governor Lou Leon Guerrero on March 30, 2020.
- That as previously discussed and for consideration by the Commission, is the inclusion of certain requirements under Category 1.
- Whether or not to include the additional courses for mandatory requirements for Category I Officers.
- These are Dynamics of Substance Abuse, Emergency Vehicle Operated Course (EVOC), Physical Development (Part of Physical Fitness requirement), Criminal Investigation and Interpersonal Relations (Cultural Sensitivity & Awareness covered under this).
- The Dynamics of Substance Abuse course was recommended by the Exec. Dir. to be included as a mandatory requirement for Category I Peace Officers due to the issues the island is currently facing.
- The previous Commission voted to include EVOC and Criminal Investigation.
- Unfortunately, the Commission did not go through the Triple A (AAA) process to amend that statute.
- That even though only EVOC and Criminal Investigation were previously approved, the Commission should vote to include all five courses as mandatory requirements for Category I Peace Officers.
- The Exec. Dir. pointed out that the apprenticeship curriculum currently used for GPD, Customs & Quarantine, DOC, DYA and the Department of Agriculture, already includes these courses.
- These are not required under 27 GAR, however, agencies are already including these in their curriculum.
- The Exec. Dir. further explained that taking the required courses within the apprenticeship cycles will satisfy the training requirements, similar to how taking a First Responder Course satisfies the First Aid requirement.

The Vice Chair explained this was also discussed during the August 2024 POST meeting.

There were further discussions to include one clarification for the requirements in 27 GAR Section 3106(b)(1), which states that Category 1 Officers "shall possess at a minimum the following: completion of any other required training directed by the POST",

-Asked if this needed an amendment, or just issue a statement from the POST to include it, because it already gives the POST Commission the authority to direct training that's directed by the POST.

The Exec. Dir. explained the following three (3) options:

1. Amend the statute through the Triple A (AAA) process to formally include the additional courses
2. Bring it to the legislature to have the statute amended.
3. Internally, the Executive Director can direct that the additional courses be taken, as the statute already gives the POST Commission the authority to require any other necessary training.

-The Exec. Dir. indicated that the preferred approach would be to first have the Commission vote to adopt the additional courses, and then he can implement that requirement administratively, since the statute already provides the authority to direct additional training. The following motion was then made:

MOTION

M/S/C: (Marshals/DYA): Motion was made for the Guam P.O.S.T. Commission to adopt five (5) additional courses/training as mandatory requirements for Category I Peace Officers: 1) Dynamics of Substance Abuse; 2) EVOC; 3)Physical Development; 4)Interpersonal Relations; and 5) Criminal Investigations. Unanimously approved, motion adopted.

- 3. Amendment to Title 27 Guam Administrative Rules, Chapter 3, Section 3106(b)(1) ADD (F) Temporary Certification. An individual may upon application obtain temporary certification while completing specific courses specified by the Commission.**

The Executive Director explained that after reviewing the curriculum at GCC, he found that the courses taken by criminal justice graduates were not aligned with the current standards, and would also not align with the adopted standards that the Commission had previously approved for certifying those Criminal Justice graduates.

The Executive Director requested that the commission consider creating a separate subsection for temporary certification. This would allow him to issue temporary post certification to individuals who have graduated from the GCC law enforcement certificate program, and give them two years to complete the remaining required courses.

The Executive Director explained that the previous Commission had decided that even for individuals who have completed military training, such as security forces, military police, and the Marine police, the Commission can accept that training, however, they would still need to fulfill any additional requirements set by the Commission.

The Executive Director is also considering temporary certification for individuals who have taken some of the required classes individually, but are lacking 2-3 classes, as well as for Criminal Justice graduates who have earned their law enforcement certificate but are missing 2 of the required classes.

There was clarification on the current POST Commission Application for Certification that there is a box on the application that indicates this. The Executive Director explained that on the POST certification application, there is a box for "temporary certification pending", and it indicates that the temporary certification is for a 2-year period.

The Executive Director clarified that the temporary certification subsection was initially just for those who previously served as law enforcement officers and those coming from the military.

- The temporary certification was requested by the agencies in those cases.

- Propose to consider and expand temporary certification option to individual applicants as well, not just when requested by the agencies.

The Exec. Dir. further explained that the temporary certification falls under Title 17, Chapter 51, Section 5110(2)(g).

- Previously, the POST Commission had allowed temporary certification for those who were previous law enforcement or military, but only if it was requested by the agency.

- The Exec. Dir. noted that they currently do not have a subsection to allow individual applicants to request temporary certification on their own, without it being requested by an agency but to create a subsection to allow individual applicants to request temporary certification, in preparation for meeting the full certification requirements.

The Executive Director provided an example and explained that for the 22nd cycle of the Criminal Justice Academy that graduated in May, there were 16 graduates who came to his office.

- Informed the students that he was not able to certify them, as they needed to take additional courses to meet the requirements.

- A few of them had to enroll in additional academic courses, while most of them needed to take practical courses like cultural sensitivity and awareness, the DISID course, and Mental First Aid. However, the Commission had previously approved certifying these graduates with just the Criminal Justice Academy Certificate, even though they were missing some of the required courses.

- The Criminal Justice Academy graduates were not meeting all the requirements.

- They were still falling short on some of the courses.

- The Exec. Dir. further explained that under Title 17, the agencies can request temporary certification, but the Executive Director is looking at the possibility of creating an

administrative provision under Title 27 to allow him to authorize temporary certification for these individuals, and give them 2 years to complete the mandatory classes.

- Has been informing applicants that if they are missing more than 2-3 required classes, he will not grant them temporary certification and would need to go back to school.

- However, if they are only missing 1 or 2 classes, like the DISID, or the First Aid class, then he is willing to grant them temporary certification.

- These are shorter, one-day courses that can be easily completed and were conducted by agencies either by DISID, Guam Behavioral Health and Wellness Center, or the Dept. Of Public Health & Social Services to meet those POST requirements.

This is why the Executive Director is requesting the provision for temporary certification - to allow applicants who are only missing 1-2 of these easily accessible courses to still be certified temporarily while they complete the remaining requirements.

There was a question regarding once an individual is employed with the temporary certification and does not complete the required courses, what could happen to that individual's employment.

The Exec. Dir. acknowledged that this is an important consideration.

- He stated that since POST certification is a pre-employment requirement, if the individual does not complete the mandatory courses within the 2-year temporary certification period, their employment could potentially be terminated.

- The Exec. Dir. said he would need to further discuss this with the Department of Administration to understand the implications and any potential caveats, such as the individual remaining on probation until the certification is fully obtained.

There were further discussions:

- Dealing with a temporary certification for classified employees.

- If the person has already passed their probationary period, they cannot simply be put back on probation.

- Suggestion is to utilize the Adverse Action Rules, where the failure to fulfill the certification requirements could be grounds for issuing a notice of proposed adverse action, followed by a final notice of adverse action.

- This would be a more appropriate way to address the situation, if the individual has already completed their initial probationary period.

- There was a recommendation to extend the probationary period for another 6 months, however, postponing for another year could raise issues.

- Have to carefully evaluate the details of each situation on a case-by-case basis especially when it comes to individuals with a military background.

- Would have to look into the specific time periods and circumstances for each individual military applicant, as there may be different rules or provisions that cover them.

- The Exec. Dir. acknowledged these are helpful suggestions that he would need to further discuss with the Department of Administration to ensure the proper procedures are followed.

There was a question regarding the Dynamics of Substance Abuse and Physical Fitness course, how is it being offered.

- The Executive Director explained that the courses are offered through the Criminal Justice department at GCC and are also part of the Apprenticeship Program and are already included in the curriculum.

- These are required courses that are regularly available for officers to complete and are offered on an ongoing basis making them accessible for officers to fulfill the requirements within a reasonable timeframe.

Discussions around the temporary certification has brought up several important considerations for further discussion.

- That it makes the most sense to align the temporary certification requirements with what is currently required by the Department of Administration (DOA)

- The Commission may need to first revisit their previous 2-year requirement for temporary certification and align it with what is allowed under the personnel rules and regulations.

- As the POST Commission, the focus should be on standardizing the training requirements across the various law enforcement agencies and should be consistent.

The following motion was then made:

MOTION

M/S/C: A motion was made to table Item #3 under New Business so that further discussion can be made with the Department of Administration. Unanimously approved, motion adopted.

4. Amendment to Title 27, Chapter 3, Section 3106(b)(2)(B) Category II (DRAFT Minimum Training Program for Law Enforcement Positions Only)

The Executive Director referred to 27 GAR and 17 GCA regarding Category II law enforcement officers.

- They are the Attorney General of Guam, the Assistant Attorney General including Special Deputy Marshals.

- Special Deputy Marshals are collection and compliance officers at the Department of Revenue and Taxation, as well as Process Servers within the Judiciary.

- These are POST Category II officers that do not have to complete any training requirements unlike Category I officers that have requirements that need to be complete.

The Executive Director presented a draft for the Commission's consideration.

- Requesting everyone, especially the Marshals, to review this draft, as it pertains to the Category II law enforcement officers.

- The Exec. Dir. is seeking the Commission's input on whether there is a need to establish minimum training requirements for Category II officers.

- That Category I and Category II officers are required to take the physical agility test (PT1 and PT2).

- Executive Director's goal is to establish some standards such as minimum training and physical fitness requirements for Category II officers.

The Commission is being asked to review the draft and provide feedback on what these standards should be for further discussion now or take time to review it until the next meeting.

The Executive Director further mentioned the goal is to establish training standards for all the different categories of law enforcement officers.

- For Category I, the training standards have already been voted on by the Commission.

- For Category II, this is currently on the table for review and consideration by the Commission at the next meeting.

- At the January 2025 meeting, the plan is to look at establishing standards for Category III as well.

A question was asked that assuming there are students already taking the Criminal Justice courses at GCC, and they meet the minimum requirements for the 34 credits for Category II and the Commission adopts these training standards for Category II, would there be a certificate issued for just this level, distinct from the full POST certification. The Exec. Director confirmed that is correct.

- This would allow students who have already met the Category II requirements to apply for and receive that specific certificate, rather than the full POST certification.

The Executive Director explained the following:

- The academic credits the students are earning are currently based on the curriculum at GCC, as that is the only approved curriculum at this time.

- The Commission has not yet approved a curriculum for each of the specific training requirements for the different officer categories but will be working on that to establish it.

- The focus right now is on establishing the minimum training standards for each category, rather than approving the specific curriculum.

- The Commission had previously adopted the actual POST certificate that will be issued, which will have the individual's name, be signed by the Chairman and Executive Director, and have a control number at the bottom of the certificate.

- Working on purchasing an embossed stamp and when printed it will have the original signatures for Category I.

- Intent is to apply this to all the categories.

- The Executive Director's goal is that by summer of next year, all existing members will actually receive an official POST certificate and the goal is to start issuance by this summer once supplies are purchased.

- This POST certificate is something that the Department of Administration (DOA) and the HR departments of various agencies like the Port Authority, Airport, and Judiciary will be looking for.

- Currently, the Executive Director is only issuing an approved application that indicates the individual is POST certified, but the plan is to have the official POST certificate issued going forward.

There was a recommendation regarding the Category III requirements and the Exec. Dir. explained he is currently working on this and will be presented to the Commission once discussions are done with the Chairman and Vice Chair.

There was another recommendation regarding the special deputy marshals, which fall under Category II, to invite representatives from the Attorney General's Office, the Guam Department of Education and Department of Revenue and Taxation for input.

The reason for including representatives from these agencies is to hear their perspectives and understand the implications, as the decisions made could have a greater impact on the tenured employees within their job positions.

The Executive Director suggested a preliminary meeting together with the agency representatives to include the POST Chair, Vice Chair and the Exec. Dir. to attend before the next POST meeting regarding Category II for further discussions.

-After the preliminary discussion with the agency representatives, the plan is to then bring the proposed Category II standards as a joint presentation before the Commission for a vote.

-There was a suggestion to establish a POST subcommittee specifically focused on the Category II requirements, similar to what was done previously for the physical fitness standards.

-Another suggestion was made to reorganizing the categories. To have a discussion as observed at least two agencies whose requirements don't seem to fit into the current Category II or other categories.

-Having a further discussion about potentially reorganizing or restructuring the categories themselves by re-evaluating the requirements.

-To ensure it aligns with an agency's actual job functions and training needs that would best fit.

-That having a subcommittee to bring up these discussions would be helpful.

MOTION

M/S/C: A motion was made to establish a subcommittee for further discussions on issues relating to requirements of the different categories. Unanimously approved.

There were further recommendations for each category, other than the standardized requirements, to include a provision that it is subject to additional "agency-specific" requirements.

-This would mean that even if an individual has obtained the POST certification, the hiring agency could still impose their own additional training requirements before accepting that person into their agency.

-Including this caveat would allow for consistency across categories while still allowing agencies to impose additional training to their specific needs.

-With the standardized requirements and for students in future cycles, the educational path at GCC can be structured for these students, showing them the specific courses and requirements for each category of certification.

- GCC could also identify the specific job openings available at different agencies that align with the different certification categories.

The Executive Director reiterated regarding Category I with the inclusion of the five (5) courses, as for Apprenticeships, they exceed the requirements. GPD has a minimum of 49 credits, other agencies a minimum of 43.

- Agencies can choose to increase or add to those minimum standards as needed.

- For example, not every agency requires courses like traffic law enforcement - that may only be taken by GPD. Or the marine law course may only be required by the Conservation agency.

- The goal is to set attainable, baseline standards that all agencies can meet, while still allowing them the flexibility to add agency-specific training on top the minimum requirements.

VI. Open Discussion/Announcements

November 6, 2024 is the Camp Blaz firing range visit, 12:45pm to 5pm and to meet at the old McDonald's empty parking lot.

- The different ranges will be visited but first with certain agencies first.

- Meeting with representative first which are the Camp Commander and Operations Officer.

- This site visit is limited to certain individuals from each agency until a MOA is signed.

- Firing on military installations and fire ranges are harder due to certain restrictions and requirements that have to be completed.

- Everyone would have to take the safety course and the range safety officer course.

A member mentioned the following:

- For agencies like GPD they are able to bring in "self-serve trainees" who do not yet have the POST certification

- These trainees can then be hired and kept on for a period of time, like 6 months to a year, before they need to obtain the certification.

- This is allowed by DOA for the executive branch agencies, where they can hire without the full POST certification and then train the individuals internally.

- However, for the judicial branch agencies like the Marshals, the understanding is that they cannot hire unless the individual already has the POST certification.

- There is a difference in the hiring process - the executive branch can bring in uncertified individuals and train them, while the judicial branch requires the certification upfront.

- After the training period in the executive branch, the individuals would then receive a certificate from GCC based on the completion of that internal training program.

The Executive Director explained the following:

- During the 22nd Cycle for the Criminal Justice Academy, they completed the 9.5 months of training through the academy.

- After that training was completed, the students then applied individually for the POST certification.

- What GPD did was ensure that all the police officer trainees from that 22nd cycle were able to properly submit the POST certification application and provide the necessary attachments.

A member gave a scenario with the Marshals, as an example, hiring 8 individuals directly, or from other departments.

- Rather than going through a longer academy program like GPD, and provide a shorter, 3-month internal training program within your own division.
- Then getting them up to speed on policies and requirements within the department.
- What would be the appropriate guide or approach from the POST Commission's perspective, given this difference in hiring in comparison with GPD and ensuring they will be POST certified and to be consistent.
- There was a case in the past that was challenged in court with an Airport Police regarding training certification, that was questioned by the defense attorney as to the date of certification without being provided a Certificate.

The Executive Director explained the following:

- The executive branch agencies, with the exception of Parks and Recreation, they each have an established apprenticeship program through the Department of Labor
- These agencies recruit individuals like POTs, Correction Officer trainees, or Youth Service Assistants, and enroll them in the apprenticeship program through DOA.
- The individuals then go through the apprenticeship cycle, and upon completion, the Executive Director signs off, provided they then apply for the POST certification.
- That there are options such as can the Judiciary consider working with the Department of Labor to establish their own apprenticeship program cycle, similar to what the executive branch agencies have done?
- Or the only other option is to wait until individuals complete the apprenticeship programs and POST certification through the other executive branch agencies, and then have them apply to the judicial branch roles.
- That the Department of Corrections is currently running a training cycle.
- Within this DOC cycle, there are individuals from agencies like Department of Youth Affairs and Conservation and this cycle is scheduled to end December 12, 2024.
- When these individuals from DYA, Conservation, and Corrections complete this DOC cycle, they will already be POST certified, because the curriculum for this DOC program has already been approved by POST via the Exec. Dir.

The Executive Director mentioned to members of the following:

- That he has mentioned to several agencies that if they want to start their own training cycle, they need to keep the requirements in mind.
- That if agencies go through GCC, there is a minimum number of thirteen (13) trainees, however, the recommended number is fifty (50).
- Should an agency only have seven (7) trainees, he advised agencies to reach out to other agencies that have established apprenticeship programs.
- This allows the agencies to combine their trainees and leverage the apprenticeship program, while DOL is paying for the training.
- This is the advantage of the apprenticeship program model that some agencies are utilizing.

Judiciary mentioned they recently created law enforcement training in partnership with the Department of Labor.

- Some of the individuals applying for positions are actually going through the Labor program even before they are officially on board.
- With these cases, the applicants have already started or partially completed the necessary training program through Labor before they apply and are hired by the Judiciary.

The Executive Director mentioned the following:

- Recommended that the Judiciary HR department should have a conversation with DOA about establishing an apprenticeship program similar to what the executive branch agencies have.
- This is because the Judiciary is a separate branch of the government from the executive branch, where DOA has already established these apprenticeship programs.
- The same opportunity could apply for other independent agencies like the Port Authority and Airport as well.
- Ultimately, it is up to the agencies to approve whether they want to implement their own apprenticeship programs.

The Executive Director pointed out the following:

- The apprenticeship program works due to the way it is structured
- Using Ron Santos as an example, who is the Cadre for the current Corrections training cycle.
- In this role, Mr. Santos has to ensure all the Corrections Officers, Conservation Officers, and DYA personnel complete the training.
- Essentially, the agencies are running their own training cycles, but pulling from their own staff to be the trainees.
- This is an advantage for agencies like Agriculture, DYA, etc., because the DOC is the one managing and overseeing all the students in the training program.
- Cadre Ron Santos was thanked for handling this.

At this time, on behalf of the POST Commission, the Vice Chair mentioned the following:

- Expressed appreciation to Chief Vince Perez for his leadership as a Chair for the POST Commission and his countless efforts for moving the POST Commission forward and in moving forward to working with everyone with the implementation of the LEO General Force Leadership Structure Tier.
- That every two years the Chairman/Vice Chair leadership changes which provides different perspectives but can only work with everyone's input/feedback.
- Appreciation to Mr. John Lizama for his leadership in assisting the Commission in his capacity as the Executive Director and thanking everyone for attending today's meeting.
- The Executive Director will be emailing regarding the subcommittee and reaching out to DOA.

VII. The next scheduled meeting is tentatively scheduled on Thursday, January 30, 2025, 10:30 a.m., in the LRC and is subject to change.

VIII. Adjournment

MOTION

M/S/C: A motion was made to adjourn the meeting of October 31, 2024. Unanimously approved.

There being no further discussions, the meeting was adjourned at approximately 11:29 a.m.

/s/

Dated this 13th day of February 2025.

Bertha M. Guerrero
Recording Secretary