



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

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**P.O.S.T. COMMISSION MEETING MINUTES
Thursday, November 30, 2017**

I. Called to Order. The P.O.S.T. (“POST”) Commission meeting of November 30, 2017 was called to order at 9:07 a.m. by Chief Vincent Perez, Vice-Chairman, 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: 11/30/17 Agenda; Minutes of October 26, 2017.

II. Review and Approval of Minutes from October 26, 2017.

Corrections:

There was a correction to the Minutes, that it should be “called to order on October 26, 2017” instead of Sept. 28, 2017.

At this time the following motion was made.

MOTION

M/S/C: (Port Authority/Guam Police Department): Motion was made to approve the POST Commission Meeting Minutes of October 26, 2017, with corrections. Unanimously approved, motion adopted.

III. Chairman Remarks. Guam Police Department Major Chong was in attendance representing GPD Chief J.I. Cruz and informed the members that Chief Cruz just returned on-island this morning.

Major Chong then mentioned what Chief Cruz wanted relayed to the members, as follows:

- Wanted to remind each agency to provide updates with regards to its PFQT, Professional Development and POST Certifications.
- GPD staff officers have been tasked with providing updates and will report as well.

Lt. Torre from GPD thanked all members of the Research & Development subcommittee who worked really hard to get to where they are today in reporting its findings, as follows:

- Draft proposals from most of the agencies have been submitted.
- Unfortunately, some agencies have yet to decide which plan/program they will implement for their respective agencies.

- Some agencies although have drafts, however, it has yet to be reviewed by its upper management before submission to the POST Commission.
- The main focus were the PFQT policy, including a health & nutrition program and a fitness test.
- There has been seven (7) work sessions to date, including the most recent was yesterday.
- Each agency will have an opportunity to meet with the R&D subcommittee to review its submission before final submission.

The Vice-Chair brought up an issue regarding when testing are being conducted, who checks these individuals, are they certified.

- Whether the individuals conducting the tests and demonstrations are qualified although everything is in the AFI.
- One thing to do as a Commission is to standardize certain aspects as to who gets this type of proctor training, agree on standardizing with the three (3) elements as required in the public law. A standard read out sheet.
- This is to ensure that individuals being tested are truly complying and results are not altered.

Lt. Torre agrees that this is a good subject to discuss because it is important.

- He further explained that because there might be an issue with some agencies conducting agency specific PFQTs such as the Correctional Officers Physical Abilities Testing (COPATS).
- The nature of the COPATS movements are different from the standard runs, push-ups and sit-ups.

The Vice Chairman said it seems as if the testing is a pass or fail but with the AFI, should you have an issue and you receive a waiver, you actually pass even without doing the runs and push-ups but you would still need to pass the waistline.

- In his review of the law, it does not say certain portions of the AIF are allowed or as a Commission is allowed to adopt certain portions.
- Lt. Torre read it as a pass or fail with the 2.1. Maybe some agencies will adopt something in place of that.
- Vice Chairman Perez asked does each agency have the latitude to adopt certain provisions of the AFI or to move away from it.

Lt. Torre believes it is to get away from the 200 pages of the AFI and believes taking portions of it is o.k.

There were further discussions:

- Waivers should suffice.
- DOC is finding its challenges.
- How long does a waiver can be prolonged.
- Question also is can you perform your job or the physical requirements of the job.
- There needs to be a mechanism in place to be able to get these individuals their jobs.

The AG's Office mentioned to keep in mind the DOA Personnel Rules and Regulations of how to deal with individuals with profiles.

- To also keep in mind the public's comments and concerns with the modifications. That as adjustments and supplements are made need to have a solid core requirement that the public is also comfortable with.
- At the same time need to address serious concerns such as those with waivers.
- Cannot have someone on a waiver occupying a position for example two (2) years that an individual can no longer perform its duties.

Chief Bob mentioned there is supposed to be an opportunity about classifying individual who can no longer perform their duties.

- Question is how long can this person be on another duty, a reasonable time to accept the waivers.
- That some agencies currently have those with profile conditions, behind the desk, etc., still receiving the same pay.

Further discussions about the process when you fail a test and then to an adverse action. What can be done, although these are hard decisions. Maybe the sooner we move forward on this, then the sooner it might be accepted by everyone else, attitude will change, the mindset will start.

- Vice Chairman mentioned there are similar concerns for everyone, that we are all short on resources, there must be some kind of balance, intent is for everyone to get well and fit. Personnel are needed.
- It was mentioned that individuals should be assured they are not going to lose their jobs.

The Vice Chairman mentioned what do you do for those who are not certified. Individuals who have served for many years.

- How are you going to remove certification that they have never received?
- Do we start creating certifications for those individuals that are “grandfathered” in as a new generation of POST?
- Another issue brought up was who qualifies an individual in the beginning, although there are basic requirements when you first apply.
- Believe there should be an official document or certificate for every law enforcement officer that states your certification and when it expires, etc.

The POST Executive Director mentioned that some agency such as the AG’s Office package their applications, certifications and trainings for officers to be reviewed by the Executive Director.

- Can look at everyone’s documents and review the requirements, if it has met the areas individuals have completed, POST can certify if all requirements are met.
- Can send all individual officer’s application and submit it for review to take care of all officers on file so that everyone are covered and in compliant.

Major Manny Chong explained that GPD is currently compiling everyone’s documents to be reviewed.

- Just need to come up with standards including alternate testing for those with profiles.
- Come up with something by July 1, 2018 and provide what is needed.
- Will lose personnel if we don’t let everybody pass.
- There are situations where police officers are injured and becomes permanent.
- Some have back problems but can still handcuff and arrest.
- Should take ownership and come up with our standards. To take ownership and do it ourselves, and submit an alternate plan and give it to the Legislature.

Police Sgt. Randy Aguon from GPD reported the following:

- GPD recently organized a training advisory spearheaded by Lt. Mark Torre.
- GPD status with succession planning is that they are in a middle of a lot of work.
- So many have been promoted who are in dire need of training to include those in a supervision level.
- Dealing to get individuals trained.
- A subcommittee has been formed to look into professional development and have had three (3) meetings to date.
- Policies are being revised with multitude of general orders and policies that sometimes relate and conflict with training.
- Training is the biggest thing but do have a plan, still in draft stages.

- Other programs are being developed such as the mentoring programs for the different levels and ranks.
- The purpose of developing those are for the fundamental training for all employees is more or less for career advancement to strengthen their performance evaluation.
- These trainings are GPD specific with the GPD training advisory group.

Major Chong explained that during the last POST Commission meeting, he mentioned per the POST Chairman, for each agencies and to report out any updates at the next POST Commission meeting.

- For each agency to provide its agency specific standards regarding its physical fitness program, including a health & nutrition program and PT test updates, and succession planning.
- What has the other agency done to date?
- GPD can provide information regarding succession planning.
- Major Chong further commented that we all want to comply with the law and do not want to lose any personnel and that we are all on the same side in protecting the public.

Lt. Torre explained succession planning by giving an example with the military structure.

- That prior to getting promoted to the next rank, you have to complete certain trainings to be eligible for the next step.
- That with GPD, they learned the hard way which is not necessarily conducive to an efficient work environment.
- What GPD is trying to do is establish by maybe mirroring some trainings such as what the Army developed such as the primary leadership development course (PLDC) to climb through the ranks.
- Lt. Torre further explained that Chief Cruz wants this standardized within the agencies so that there is structure so that employees can plan their careers.

Chief Bob Camacho mentioned that there were discussions during past POST Commission meetings with regards to succession planning that training officers were involved with.

- Suggested to revisit this, if this is the direction the POST Commission will go and bring this up again.
- For example, to move up to a Supervisory level you would need at least 5 years experience within the field of law enforcement and a Supervisory or Basic Leadership Course, or a degree.

The Vice Chair mentioned that it sounds as if the POST Commission is catching up with what it was planning several years ago.

- That this is a good idea as long as the POST Commission is going towards that goal, just takes steps to get there.
- Further mentioned for example in the military with regards to its model for planning towards upward mobility, there is a checklist.
- The checklist consists of time in service, primary leadership for advance leadership, education, etc.
- You can move from one branch of service without losing rank.
- As for the government of Guam, it's not consistent.
- In the future, when standardizing, the POST Commission can create a law enforcement pay schedule even if you move from one agency to the next without losing the pay grade.
- Can standardize the trainings as it relates to an individual's level of responsibility.

IV. Executive Director's Comments. The Executive Director explained that he and Airport Chief Bob Camacho attended an International Association of Directors of Law Enforcement Standards and Training (IADLEST) conference in Phoenix, Arizona.

- This association is basically all the POST directors across the nation.

-IADLEST have been assessing all national data dealing with law enforcement training across the various local states and regional training academies nationally.

-IADLEST surveyed over 650 training academies across the nation and received basic input.

-Training methods they seem to be moving towards are listed in today's agenda:

1. Training Methods: scenario based, tactical/skill based, including incorporating social interaction skills, and focusing on leadership skills, dealing with a lot of things discussed during today's meeting.
2. Increased training hours in both academy and in-service training.
3. Increased use of feedback mechanisms such as surveys to improve the quality of training in your organization.
4. Increased training on policies, particularly the use of force policies. Ensure peace officers are aware of, trained in and updated on all policies, especially the use of force policies, which is a spotlight item across the nation.
5. Increased partnerships with academic institutions to improve training and evaluation.

-The Executive Director informed IADLEST that the Guam POST Commission is already in partnership with GCC and that the Guam POST already has this mechanism in place.

-He suggested they should also increase their partnerships with academic institutions as well.

-Further explained that a lot of the academies have funding issues that when you partner with academic institutions you are able to leverage federal programs such as FAFSA and VA benefits. That it is beneficial in partnering with academic institutions.

-The state of Washington are developing leadership training programs online in partnership with Microsoft. The Executive Director asked if they could share this with Guam and the other states once this program is fully developed.

-By attending this IADLEST conference the Executive Director explained that he was able to network with the POST directors in collaborating some of the efforts Guam is going through, such sharing information, etc. The Exec.Dir. believes Guam is on the right track.

-Mentioned that they were surprised that Guam has a fitness program in place as some states are still contemplating and still figuring how to, however, the Executive Director explained to them what the Guam POST has been doing and they seem appreciative of the information that he shared.

The Executive Director explained there is a request for clarification from the Guam Department of Administration Personnel Division regarding the English, Reading and Writing proficiency guidelines.

-That there is a requirement in the POST Commission statute that states you must be able to proof you are proficient in English, Reading and Writing.

-He will be clarifying this for DOA so that they have something to use as a baseline.

-The basic requirements for this will be what the University of Guam and Guam Community College are utilizing.

-The Exec.Dir. further explained that you can submit certification requests to him. Once requirements are met, a letter of certification from the Exec.Dir. will be issued.

-Mentioned can get advice from Major Manny Chong as to the process GPD is using in obtaining certification requests, or you can write a letter directly to the Exec.Dir.

-Certification requests have to include an individual's certificates/degrees, transcripts, credentials and any training certificates for the Exec.Director's review in order to make an evaluation if certified or not. These include certificates/degrees not obtained from UOG or GCC.

V. Chief of Staff Pete Mesa. Mr. Mesa was unable to attend today's meeting but was represented by Ms. Desiree Mesa, another members of Senator Nelson's staff and reported the following:

a. Status of P.O.S.T. Members being added – DYA and ARFF. Bill No. 206-34(COR) was introduced in the 34th Guam Legislature on November 6, 2017, "AN ACT TO ADD NEW SECTIONS 51101(b)(12), 51102(a)(3)(N), and 51102(a)(3)(O), ALL OF CHAPTER 51, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE INCLUSION OF THE FIREFIGHTER PERSONNEL OF THE AIRCRAFT RESCUE AND FIREFIGHTING UNIT AS PEACE OFFICERS AND THE DEPARTMENT HEADS OF THE DEPARTMENT OF YOUTH AFFAIRS AND THE AIRCRAFT RESCUE AND FIRE FIGHTING UNIT AS MEMBERS OF THE PEACE OFFICER STANDARDS AND TRAINING (P.O.S.T.) COMMISSION."

-This will include Guam Department of Youth Affairs and the Airport Rescue and Firefighting as voting members for the Guam P.O.S.T. Commissions.

-This has been referred to Senator Telena Nelson's Committee and is now ready for a public hearing.

-A public hearing was tentatively scheduled the week of December 18-22, 2017, but due to the holidays, it will be scheduled after the holidays, preferably January 2018.

-Senator Nelson's office requests the support of the members of the POST Commission to attend and testify in support of this bill.

b. Agency Physical Fitness Plans due to Senator Telena Nelson's Office on 1 July 2018.

Ms. Mesa reminded the members of this due date and to take this opportunity to develop each agency's specific standards, including testing.

-She recommend to compile all agency's plan and submit to the Executive Director who will then submit an official transmission to the Guam Legislature.

-Also suggested putting in on the POST Commission's website for easy reference, or as a memorandum to the Guam Legislature after adoption by the POST Commission.

AG's office suggested to work on this now and submit to each respective department heads ahead of schedule for proper review. This will allow time for any revisions before final submission to the Guam Legislature of July 1, 2018.

VI. Old Business

a. Dr. Richard Fee, Judicial Education Center–Dr. Richard Fee, Judicial Education Center - P.O.S.T. approval of proposed curriculum: Law Enforcement & Persons with Disabilities

-The Executive Director explained that a letter will be submitted from the POST Commission informing Dr. Fee that this curriculum has been approved by the POST Commission during the last meeting..

-There is still another training on December 18-19, 2017, at the Judicial Education Center.

-Clarification is needed as to when a "train the trainer" course will be conducted.

VII. New Business.

At this time, Vice Chairman Perez explained that Ms. Sabrina Salas Mantanane, the Managing Director for the KUAM News Productions, requested to conduct a fitness program presentation before the POST Commission during the October 26, 2017, meeting.

-This program will involve 18 officers separated into 3 groups of 6 assigned with a Custom Fitness coach to help with a nutrition program and also get fit. However, due to a possible procurement law violation Ms. Mantanane was unable to proceed with her presentation.

-Mr. Tony Blas from the Office of the Guam Attorney General said he will research if there is a procurement law violation regarding this and reported the following:

- Not a procurement issue.
- Should not be mandated by the department or agency.
- Strictly voluntary and is up to the individual officer.
- Individual will not be paid to participate.
- Not considered as a form of gratuity.

-The Vice Chairman mentioned Ms. Mantanane has been following up with him on this matter and will notify her to get more details about the program and will report out to the POST Commission.

At this time, Acting Fire Chief Daniel Stone from ARFF had questions and concerns, since they were added late into the law:

-Is there going to be a POST Certification for fitness only? What happens if we don't have certificates?

-Explained that ARFF were once Navy Firefighters with NAS on Guam and when it was shutdown, ARFF then transferred and took over the responsibility of fire suppression at the Guam Airport.

-There were no formal academy and half of the firefighters are not POST certified.

-There are new firefighters that attended ARFF's first training academy.

-This training academy is sanctioned under ARFF's accrediting authority in Saipan, which is the Pacific Region ARFF Training Center.

-This training center is FAA approved and received certification by the Pro-Board.

-Believes majority of the ARFF firefighters have at least three (3) certificates and not sure this is enough for a POST Certification.

-What can ARFF do at this point to achieve POST Certification?

-Do they attend classes at GCC? Is POST the best fit for ARFF?

-Said POST is established for peace officers, and firefighters are not peace officers but are first responders.

-Going back to the original law, ARFF was included as a Category II employee but did not meet the definition.

-Concern was that ARFF is included as a Category II employee with no change of definition, maybe this is something the Guam Legislature can address.

-That ARFF is new to the POST Commission as of October 2017, and has two (2) months to be in compliant with the law, whereas other agencies had a couple of years to do so.

-The concern for Acting Fire Chief Stone is whether the ARFF employees potentially being set up for failure with no preconditions and then having to administer discipline through letter of counseling, etc.

-Is there a form that will cover liability in the case of an individual who says can perform the PFQT but just saying can take this test but in actuality not fit, is this covered?

-Individual might file with a complaint with the Civil Service Commission should they fail the test.

-Does not know if the law stipulates physical examination is required.

-As with ARFF, they are subject to a comprehensive physical examination provided by the Airport Authority. Based on this the doctor will determine if a firefighter is able to perform his duties.

-Asked if a physical exam is done before a test. Knows there is a health form but is this enough to cover liability.

- Believes to date, ARFF does not fit the definition in the law regarding a Category II employee.
- If a firefighter fails the fourth time, what happens after that? What happens if there is a different profile? Do you start over with this?
- How do you revoke a certificate you don't even have in the first place.
- Chief Stone wanted to also thank the Guam Fire Department for their help in ARFF trying to keep up with the POST Commission.
- That he is not the agency head and still has upper management to answer to.

Vice Chairman Perez mentioned the points Chief Stone brought up are good points. That as ARFF goes through the testing there might be issues that might come up. Up to respective agency to adopt or enhance it but have to do something.

-Chief Stone informed the Commission they will go with the 2.1 version and do want to be in compliant. If the Guam Legislature could give ARFF and DYA some reprieve, he would appreciate it.

Ms. Mesa explained that when the ideas to add ARFF and DYA came up as being part of the Commission, they went with this by including DYA and ARFF.

-As for the short time for ARFF and DYA to be compliant, this will be discussed with the Legal Counsel and/or with the AG's.

-She will provide a follow up but believes there are parts in the law that still needs to be addressed that will require several bills that would to be introduced.

-Ms. Mesa asked for the members to go through the law and if they see any other issues that needs to be discussed, to please do so by bringing it up to the Senator's attention.

At this time, there was another question regarding liability and further discussions:

-Cautions about testing that are not agency specific.

-Basically what an agency normally does for its program is o.k., but should there be a problem with what is normally not part of their testing, it could create a liability.

-Mr. O'Mallan from the AG's Office explained that the Commission has to come up with a standardization for everyone to be able to complete and then each agency can add their specifics otherwise is not done before July 1, 2018, it will revert back to the initial version. This is the opportunity to do something before the deadline. The POST Commission must have standards.

-There were further discussions regarding passing the PFQT and possibility of losing your job.

-The intent is to promote being healthy, being fit and maybe the language in the law should be revised to this regard.

-If does not pass the PFQT and can't do initial job, might have to look for a job for said employee.

-Maybe create a position for said employee something to have employee do, however, Chief Perez would like to table this issue at another time because he believes it would be a lengthy discussion.

-There was a reason to also develop an agency specific program because the AFI was too strict.

Vice Chairman Chief Perez mentioned that the main issue is to present a package before the deadline of July 1, 2018, otherwise there will be no change and have to revert to the AFI.

VIII. Next Meeting Scheduled. January 25, 2018 at 9:00 a.m., in the LRC, Room 112.

IX. Adjournment.

MOTION

M/S/C: (Attorney General's Office/Guam Police Department): A motion was made to adjourn the meeting of November 30, 2017. Unanimously approved.

There being no further discussions, the meeting adjourned at approximately 10:46 a.m.

/s/

Dated this 25th day of January 2018.

Bertha M. Guerrero
Recording Secretary