



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

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**P.O.S.T. COMMISSION MEETING MINUTES
Thursday, February 22, 2018**

I. Called to Order. The P.O.S.T. (“POST”) Commission meeting of February 22, 2018, was called to order at 9:07 a.m. by Chief Joseph I. Cruz, 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.

Mr. Pete Mesa from the office of Senator Telena Nelson was also in attendance. The Chief thanked everyone for attending today’s meeting.

Documents Received. Document(s)/Packet: February 22, 2018 Agenda.

II. Review and Approval of Minutes from January 25, 2018. No Minutes available. Would require the legal opinion from Attorney Jonathan Quan, which will be transmitting to the recording secretary by Lt. Mark Torre.

III. Chairman Remarks. Chairman J.I. Cruz mentioned he wanted to bring to attention what was brought up during the last meeting, which is Public Law 34-49 is very important and need to stay on track as far as the status of each agency’s with regards to the development and implementation of the provisions outlined in said public law and how Lt. Torre is coordinating this with the sub-committee.

-That it is not enough to adopt the Interim Standards in P.L. 34-49, which the Commission has informed the Guam Legislature there is a need to adopt an agency specific PFQT, a physical fitness program and a nutrition program, which is the reason for this bill to pass into law.

-If there was no Interim PFQT, the Commission would have to stay with the Air Force Instructions (AFI).

-The Chairman then cautioned the Commission members/agencies to not just simply adopt the 2.1 version.

-Will also discuss the status of the Commission and each agency’s employees’ accreditation, which is part of Public Law 32-232, and said this is important.

At this time, Vice Chairman Chief Vincent Perez also commented as follows:

-Wanted to reiterate that he understands we are all trying to move forward in accomplishing the goals as set by the Commission with its PFQT.

-That there are some challenges but mentioned as a whole would have to decide how to move forward and find solutions to these challenges.

- Challenges such as for those who do not pass their fitness exam.
- As an example with Customs, should you remove someone in the law enforcement area, where does Customs place this individual.
- Should a position be created for this individual and if so, will the individual's salary be affected and get a cut in pay?
- These are issues that should be addressed in future meetings.
- As for accreditation, there is an effort by Customs to have its personnel start submitting their applications because this is important to do.
- Also wanted to mention that there has been public hearings regarding the possibility of cuts/rollback of wages and said this is something the Commission has to take into consideration.
- That as for Customs, they are short funded and are trying to find ways to collectively get additional funds such as imposing fines.
- Customs has drafted legislation to try and address this.

IV. Executive Director's Comments. The Executive Director was not in attendance and will report out at the next meeting regarding updates below, if any.

- a. Agencies provide the P.O.S.T. Commission with the PFQT testing summary reports - *status*
- b. Criminal Justice Building completion - *status*
- c. GCC working with GFD on a new Fire Cycle Academy for 2018 - *status*

V. Chief of Staff Pete Mesa. Mr. Mesa from the office of Senator Telena Nelson was in attendance. *None to report at this time.*

VI. Old Business

VII. New Business.

At this time, agency updates were provided.

GPD update:

Lt. Torre reported the following:

- That there has been seven working sessions held with the Research & Development Subcommittee and that there are some language in the policy that have to be uniformed such as the roll out period.
 - During discussions with some of the agency representatives, that there are still language pertinent with the AFI such as the rollout period of 2014 and 2017.
 - Developed a roll out period to include the new law as January 2020 to ensure when the language is in there and when the tests will be in effect and how.
 - All should be uniformed per the law and will ensure all are consistent.
 - For GPD's update, it has developed a Police Officer Physical Abilities Test.
- The following is some example of the GPD's physical test: 300 meter sprint which simulates an officer's pursuit of a "bad guy," stair climbing, a series of telephones on the ground and go in and out of the poles, duck under tunnels, traverse a 12' long beam (balance beam) to maintain balance when in pursuit, engage 2 sets of hurdles but has to perform 5 push-ups before this, fall to your back and get up on your feet, another hurdle and five sit ups and going under the hurdle, then goes up a 5' tall wall, proceeds to go over a simulated ditch leaping 1 end to the other, engage a 4' wall to get to the other side, simulate going through a fire, proceed towards the subject using a dummy or punching bag to handcuff and then getting subject out of harm's way by dragging or carrying 50'. Once policy is done, a description will be added as to each event.

Collecting data for submission to the Legislature.

Regarding the Physical Fitness Program.

Policy will describe all that is included in the law.

How test is administered, definition of failure.

Steps to taking the tests and timeline with the 42/90 days requirements.

There will be 5 tests taken in a 12-month period.

Regarding the Health & Nutrition Program

Adopted the Navy program.

Some were edited in lieu of sailor, officer is replaced.

This will be available online on the GPD website until sanctioned by the Commission and is in draft form.

Mr. Pete Mesa from Senator Nelson's office recommends that aside from pictures, to submit a video to the Guam Legislature showing an individual going through the physical fitness course. Lt. Torre will work on this.

DOE update:

-Still working on what they have to submit and will report out when done and are doing better than before

GFD update:

Acting Fire Chief Joey Manibusan reported the following:

-GFD is still working with Lt. Torre.

-Working with a fire specific standards such as using a ladder, etc.,

-Still testing and going forward

-To adopt what GPD developed for the health & nutrition plan.

ARFF update:

Acting Fire Chief Daniel Stone reported the following:

-Policy submitted and still working on this for a final version.

-Met with Airport Police Division, management, HR to make sure that there is one policy and still have to be review by legal counsel. Will probably submit a final version.

-Will adopt the health & nutrition program by GPD.

-Have been doing conditioning.

-Administering tests but management would like HR present to observe.

The Chairman stated he received a letter from ARFF through Mr. Charles Ada and for Fire Chief Stone to convey this message of his receipt of said letter.

-The letter is requesting an extension on the inclusion of ARFF so that ARFF is given the same time period as everyone in the Commission.

-That the ARFF Director has to be aware of the upcoming public hearing that Lt. Mark Torre informed the Fire Chief regarding the hearing by Senator Nelson to include ARFF and DYA as members (voting) of the Commission.

-The Chairman will send a copy of this letter to Senator Nelson's office because in the Chairman's opinion as the POST Commission Chair, he does not have that authority to allow this extension.

-With the new public law, once included ARFF will be held with the standards but should be given the same timeframe.

Judiciary update:

-Mr. Roy Haynes is normally available to report but was not, however, a representative provided the following:

- 97% of officers have passed with the interim standards but will retest in March 2018.
- Unsure if there will be modifications. Have identified those who are on medical profile, including those who are exempt.
- With health & nutrition program, the first he has heard but will report back on this.
- Will continue to move forward to meet the deadline.

The Chairman mentioned he cautions against using the 2.1 version. Need to be mindful that it should not be Judiciary's standards in moving forward.

-Marshal and Probation should develop something more agency specific.

Port Police update:

- Working collaboratively with GPD to come up with several variations.
- Moving forward and are on track to use something that is agency specific.

Customs update:

- Will be adopting standards that are agency specific.
- Will also try to adopt the Law Enforcement entry level testing.
- Still testing
- With health & nutrition, will be adopting what the subcommittee is coming up with.

Airport update:

- 90% passing rate.
- Still working what to add to the 2.1 version to make it agency specific.

Agriculture (Conservation) update:

- Still working on the policy and collaboratively with the subcommittee and ready to submit today.
- Have added specifics such as swimming.
- 65% passing rate with the 2.1 version.
- Has 2 versions, format A and B and not gender specific and is rank specific, but still testing with 2.1 version. It will also be reviewed by legal counsel.
- Want to keep senior officers because of their job experience and give them an opportunity to be able to pass the test.
- There are issues with individuals with disabilities and will share with the Commission as to the outcome.
- Will be conducting another test by next week.
- Will adopt the health & nutrition program to be adopted by the subcommittee.

Parks & Recreation update:

- Have something ready for submission to the subcommittee.
- Similar to Conservation, no gender specific.
- Will adopt the health & nutrition program that will be adopted by the subcommittee.
- Will be testing again next month.

DYA update:

- Have already submitted a policy to the subcommittee.
- Testing done with 2.1 since December 2017 and tracking all the officers to see where they are.
- Testing again soon.
- Developed COPAT similar with GPD's testing but is nationwide.
- Will adopt the health & nutrition program to be adopted by the subcommittee.
- Issues with Workman's Comp injury.

There were discussions regarding Workman's Comp.

- Has to be work related.
- If conducting physical fitness, approved by director, it should be covered and when there is a policy in place, this should be covered by the Workman's Compensation.

Dept. of Corrections update:

- Policy is almost complete with assistance from Lt. Torre.
- Will adopt the health & nutrition program to be adopted by the subcommittee.
- This week DYA will be conducting another test.
- In Dec. 2017, 92 passed, 76 failed
- To date 51 officers took retest, 14 passed, remainder have to take the test.

AG's office update:

- Completed PFQT policy.
- When 2.1 version came out, was not included that agencies should not keep this version.
- Should revisit 2.1 and modify.
- AG's policy already approved by the Attorney General.
- Have a policy as what to do with those who failed.
- Most of duties are in office, courtroom, make surveillance, make arrests, search arrests, and will make this part of the policy.
- AG's office will confer with Senator Nelson's office.

The Chairman mentioned that if he AG's want to go forward with the 2.1, it is fine but agency has to be able to defend this before the Guam Legislature.

There were questions regarding Public Law 29-105 with a 40% raise.

- This could be looked into with HR.
- Mr. Pete Mesa from the Senator Nelson's office mentioned this is being looked into.

Accreditation/POST Certification:

GPD:

302 officers submitted an application with an unofficial transcript to be submitted to the POST Commission and asked that each agency do so.

Customs:

All officers have filled out an application. Will ensure transcripts are also provided.

Airport:

Working on this.

DOE:

- Only 3 are certified.
- Remainder unsure but Superintendent will be sending SRO for training but not sure when.
- Will work on this.

GFD:

- Applications are being put together.

Judiciary:

- Have sent employees for some training.
- Need time to go through the application process.

ARFF:

- Receipt of applications and still collecting.
- Half of division have not attended, started as federal employees transferring to Government of Guam service.
- Will continue to look into this although has ProBoard certification and don't know how get to ARFF to certification.

There was a recommendation to submit an application with what you have and get the answers as to what is still needed.

There was a recommendation to ask for police and court clearances by using a blanket memo addressing to the POST Commission and burden will be the on the agency to obtain these rather than each individual.

Judiciary:

- All applications have been compiled and should have already been submitted to GCC for review.

Conservation:

- Applications to be submitted next week.

Parks & Recreation:

- In discussion with Mr. Peter Roberto from GCC CJ to obtain information for the application and will get them probably by end of March 2018.

DYA:

- Still compiling applications and working directly with GCC.

DOC:

- Applications are being compiled, just need to obtain the police/court clearances and anticipate submission within the next two weeks.

AG's:

- 100% applications have been submitted to POST and received feedback that 99% are certified but awaiting 1 document for one of its investigators.

The Chairman tasked GPD Officer Troy Lizama to be lead the charge for the certification and for all members to work with him in submission of each agency's certification. Contact via Email: troy.lizama@gpd.guam.gov, 689-3393.

-March 1, 2018, at 2:00 p.m. is the public hearing for ARFF and DYA. The Chairman will inform the Executive Director to provide representation as the Chairman will be off-island.

VIII. Next Meeting Scheduled. March 29, 2018 at 9:00 a.m., in the LRC, Room 112.

IX. Adjournment.

MOTION

M/S/C: (Guam Police Department/Attorney General's Office): A motion was made to adjourn the meeting of February 22, 2018. Unanimously approved.

There being no further discussions, the meeting adjourned at approximately 10:45 a.m.

/s/

Dated this 29th day of March, 2018.

Bertha M. Guerrero
Recording Secretary