



GUAM PEACE OFFICER STANDARDS & TRAINING COMMISSION (POST)

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P.O.S.T. COMMISSION MEETING MINUTES Thursday, February 9, 2023

I. Called to Order. The P.O.S.T. (“POST”) Commission meeting of February 9, 2023, was called to order in the Guam Community College Learning Resource Center, Room 112, at 10:45 a.m. by the Guam Customs & Quarantine Agency, Chief Vince Perez, the POST Commission Chairman and assisted by the POST Executive Director Robert Camacho. The Vice Chairman, ARFF Chief Raymond Mantanona was in attendance to assist as well.

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 Customs & Quarantine Agency; Guam Department of Corrections; Div. of Aquatic & Wildlife Resources, Guam Department of Agriculture; Guam Fire Department; Guam Department of Administration; Aircraft Rescue & Fire Fighting (ARFF); DYA; Park Patrol.

Documents Received. Document(s)/Packet: 2-9-2023 Agenda; 3-2-2022 P.O.S.T. Minutes; Government of Guam LEO General Force Leadership Structure Tier.

II. Review and Approval of the Minutes of March 2, 2022.

MOTION

M/S/C: (DYA/GFD): Motion was made to approve the Guam P.O.S.T. Commission Meeting Minutes of March 2, 2022, with corrections. Unanimously approved, motion adopted.

III. Chairman/Vice Chairman Remarks.

The Vice Chairman welcomed everyone back and mentioned the following:

- That there are several items on the Agenda that are still pending and one of which is the certification process.
- The intent is not to push anyone out but to help individuals find a solution, a remedy such as with a program that is actually being implemented with ARFF.
- As a recap, the Vice Chairman had this program implemented for ARFF and is effective and actually works.
- None of the individuals in the program have been pushed out of ARFF.
- It is designed to help individuals by utilizing an Occupational Doctor and not a regular Family Physician.
- An employee or Peace Officer will be certified by an Occupational Doctor on whether that individual has a permanent injury and cannot return to work, or for those individuals that can return to help them get back on track.
- The Occupational Doctor will be the point of contact directly with retirement if this is a

permanent injury and the individual can retire.

- That Retirement has had a lot of problems with individuals that utilize a Personal Clinical Physician and not an Occupational one.
- The Vice Chairman has brought this to the attention of the Governor and Lt. Governor and support this and are eager to have this implemented.
- That Chiefs and Directors are needed to help these employees.
- To be helpful with every means possible.

The Chairman also welcomed everyone back and mentioned the following:

- With the new year, there are new issues on the Agenda as well as old issues.
- That the Commission is here to discuss some of the issues and challenges from the past and get to the point of resolving them.
- To continue to move forward and work together through the challenges.
- The Chairman also mentioned what the Executive Director has been working in meetings with the Lt. Governor.
- To try and form a much firm organizational structure with a much more appropriate levels of funding to be able to move forward on some of the Commission projects.
- The Chairman further mentioned that it has been challenging to run the POST Commission with only very limited part-time support.
- Challenging also when you have your regular job and have to set priorities.
- The Chairman then thanked everyone for their attendance and also to those who submitted and updated their designation letters regarding those authorized to represent their respective agencies, saying he was very appreciative.

IV. Interim Executive Director Remarks. The Interim Executive Director, Mr. Robert Camacho was given the opportunity to first address the Commission and mentioned the following:

- Welcomed everyone back and to another new year.
- Informed the POST Commission that he has had several meetings with the Governor/ Lt. Governor regarding the set-up of a separate office for the POST Commission outside of the Guam Community College.
- Anticipate an office at the ITC building in Tamuning.
- A proposed budget was submitted for an office space for the Executive Director, Program Coordinator and Administrative Assistant.
- The proposal included office furniture.
- There is a possible candidate for the Executive Director position.
- This individual will be handling more than what is currently being done by the Interim Executive Director due to the Interim's other duties as the DOC Director.
- Governor/Lt. Governor's Office are trying to find funding for all of this.

Regarding the PoliceOne Academy with Lexipol.

- This is an online subscription for a Learning Management System (LMS).
- It will be available agency wide to all the POST Commission members.
- The Airport Police currently have this system.
- Funding has been identified for this system and will be approximately over \$60,000.
- Orientation will be provided with the assistance of the Airport Police for each agency trainers or representatives.

- This is a project the late Dr. Fee and the Executive Director has been working together on.
- Certain types of trainings will be made available online such as the use of force, dealing with individuals with disabilities, etc.
- Other capabilities with the system include an automatic notification to an employee when a training has to be done by that employee.
- An Orientation Training for the PoliceOne will be facilitated by the Guam Airport Police with Lt. Ray Reyes on February 17, 2023, beginning at 10:00 a.m., at the new ARFF facility with a representative from Lexipol (company for PoliceOne) who will be available online to answer questions.

The Vice Chair informed members that Lt. Ray Reyes approved members can bring a flash drive to upload the presentation and was further informed handouts will be provided. The Chair informed members that agencies would have to provide a spreadsheet with a list of participants with email addresses and other information for the agency representative to provide for input into the system and have those individuals tied into PoliceOne once its implemented.

- Further details will be discussed at the Orientation Training.
- An email will be sent out with specifics.

V. Old Business.

1. POST Development of Rules and Process for Peace Officer decertification. Formalize committee and establish plan of action to be developed. Discussion by Vice Chair.

The Vice Chair reiterated what he previously mentioned in his remarks regarding the program that is currently being implemented with ARFF, which has been helpful and effective.

- He further mentioned that it would not have introduced this to the Commission if it was ineffective.
 - Requests that the Commission adopt this plan for their department and give it a chance.
 - That he stands behind this program that actually exists under ARFF.
 - That this is not under DOD but is an SOP for the Airport Fire.
 - That there is a mandate of annual live fire that ARFF has to conduct.
 - As with the annual physical, it's adopted by DOD as an SOP for the Government of Guam Aircraft Rescue Fire, which safeguards each and every one.
 - That an Occupational Doctor is up front and will certify whether an employee is fit to perform his duties or not.
 - The Vice Chairman further mentioned that he does not agree in utilizing a Clinical Physician for certification.
- The Vice Chair informed the Commission that should anyone have any questions regarding this program, he can be available to make a presentation at each department in detail.
- That this program has been implemented since 1995.
 - A recommendation was made by GFD for a Zoom presentation with questions submitted in advance.
 - Can reach a lot more people and can assist with the Zoom meeting.
 - The Vice Chair agrees but said there was a recommendation from the Lt. Governor to first present to management on a that level and then trickle down to the subordinates.
 - That he is also available to answer questions by the subordinates.

- The Chairman further reiterated that he is there and will continue to support this program and willing to help all around.
- That ARFF since the implementation of this program has not had a permanent profiler.
- That should an employee is faking/falsifying his disability to perform his duties; the Occupational Doctor will inform the employer of his findings and the employee will be informed regarding the consequences of his actions.
- The ARFF employees are aware of this.
- GFD recommended that since most of the Commission are from line agencies, DOA will be perfect to inform of this program. The Vice Chairman agreed and said he will.
- Currently, employees are required to go to DOA and then DOA will require the employee to see a doctor.
- To channel this through DOA and not the Fire Department.
- The Vice Chairman will make an appointment with Francis Flisco from DOA HR and will bring the Airport Representatives for a presentation and will ask for approval to invite other departments to be present.

GPD Chief agreed that there should be a subcommittee for decertification.

- That currently the focus so far is on medical.
- That there are other reasons for decertification such as arrests, convictions for DUI, falsification of reports, perjury, etc.
- Since the existence of the POST Commission, there has been no Peace Officers that have been decertified but there are those that should be decertified for committing crimes.
- That the decertification process should align with the DOA Rules & Regulations, the GAR and the statutes for the POST Commission.

The Vice Chair mentioned that today he is just explaining the medical profilers at this point and is in agreement regarding the other issues for those who commit a crime.

The Executive Director mentioned he will put together an outline of the decertification process and further mentioned that we have to understand that the agency itself has to request for decertification.

Decertification is not done automatically and is in the law regarding the Guam POST Commission.

GPD mentioned he understands but asked for the process for decertification such as a letter, etc.

The Exe. Director explained he will provide an outline that the Commission members can follow and improve with the decertification process and to work together on it.

- That there is a provision in the law regarding the Guam POST Commission that the individual has to be informed of said decertification and be present and given an opportunity to contest it or not but will work on the outline for this and provide it to the POST Commission.

The Chairman mentioned with today's Agenda for decertification, he agrees that a Committee should be formed and an established plan of action should be developed in line with the Executive Director's recommendation regarding providing an outline and to be in line with what the Vice Chairman, Chief Mantanona is talking about.

- That in moving forward to start a process, research should also be conducted.

- As an example, it took a long process for the General Force Leadership Structure Tier to be developed to get to the point where it is now to vote for approval.
- There are details that would have to be handled and concerns addressed.
- Anticipate certain issues that would have to contend with each agency such as issues Chief Ignacio brought up.
- Recommend that one of the things the Commission should come up with is at least a good foundation and a structure of what the decertification process is and a remedy or results of that administrative process.
- That as line agencies, would have to work with the Executive Branch, with the Department of Administration and possibly with the Civil Service Commission.
- The autonomous agencies would have to work with its servicing Human Resources Office.
- That the Commission has to begin somewhere with subcommittees and start.
- With all the issues being brought up, the Chairman further mentioned it is high time to establish a committee.
- Understands everyone has a busy schedule but we have to start somewhere and as a Commission there are other issues but this is important.

The Vice Chairman mentioned that with this sensitive issue, he believes that each agency still has the authority to suspend or demote but wanted to make it clear the agency does not have the authority to decertify an employee.

- Can demote/suspend employee with whatever violation that was committed within the department.
- That an issue like this happened at one of the agencies and since then has been corrected by the Executive Director, Chief Bob and was informed it should not happen again with the way it was done.

MOTION

M/S/C: (GPD/DYA): Motion was made to formalize a Committee for Decertification for Category 1 and Category 2. Unanimously approved, motion adopted.

2. Medical Profiles. Further Discussion on how to deal with extended medical profiles. Plan of action to address these concerns.

The Chairman mentioned that there has been issues with extended medical profiles with promotions such as those who do not take/pass the physical but still get promoted, which has an impact with morale.

- Some things that can be done is either issue sanctions, or incentives, something DOA can consider, or as presented by the Vice Chair adopt that initiative instead of decertifying individuals.
- Turning it around to become a positive again with incentives, as an example.
- Working it into your Administrative Rules and then with DOA, or servicing HR.
- Other alternatives can be done.

DYA questioned about the medical profilers, whether it is just for the PFQT.

The Vice Chairman explained anything that it has to do with not performing your duties.

DYA asked what to do with medical profilers who go to a Specialist and then back to the regular doctor because he does not agree with the Specialist.

-The Vice Chairman explained that an Occupational Doctor was hired for ARFF and Airport Police is also on board with this due to the outcome of its medical initiative.

-That the Occupational Doctor supersedes the certification by the regular physician.

There were several discussions with a specialist and a private doctor.

That HIPPA is involved and waivers should be channeled through DOA.

Employee does not have to disclose what is their medical issue.

GPD Chief mentioned that is what he was talking about that with an autonomous agency, they are able to hire their doctors unlike the line agencies.

There were discussions that DOA should be in discussions so that if this initiative is implemented the other agencies will be aligned with the same process.

The Executive Director referred to a law regarding job performance and the different levels for accommodations under Title 17, Chapter 27, Chapter 3.

-He will provide a list/flow chart of what can be asked of an employee regarding performing jobs such as driving, lifting, etc., will provide different scenarios a person can do a job or not, without disclosing any health conditions and still within HIPPA compliance.

Once a determination is done as to what the individual can or cannot do according to the Rules & Regulations, you have to go make a determination whether to reclassify. So first you have to provide reasonable accommodations, next level would be to find another agency the individual is able to fit, and then termination but would have to be very specific.

-There are 2 important parts to keep in mind that are important regarding job duties and performances: one must obtain and maintain physical and mental performance; and the other is must be free of any physical, emotional or mental condition.

-So PTSD is an environment you know that a person probably has it but he is not obligated to inform you. This becomes an issue.

-Another issue is that everybody needs to understand and very important is that if a person cannot perform his duty, somebody's picking up the slack and someone is doing the job for them.

-For example, you make an individual handle only dispatch and is getting paid hazardous pay and other benefits associated with what he had previously.

-You know you have to look at those things and be aware that if something's wrong, something has to be done.

-You would have to make the hard decision because this will affect morale and have to do the right thing.

At this time the Executive Director informed the Commission that he had a meeting with the Governor and Lt. Governor of how to expedite recruits.

-Understands that DOA is very busy.

-The Exec.Dir. then submitted a proposal of what each agency can do in helping out with expediting the process for DOA.

-The agencies will do the physical fitness exams, background checks, interviews; and with any testing to be done by DOA, agencies can use proctors.

- We can make a schedule of these tests and can also administer the whole test, or follow DOA's schedule.
- DOA will receive all the documents from driver's license, birth certificates, diplomas, court clearances, etc., while the individual agencies handle verifications of these documents.
- To assist with this process to get the recruits out to the agencies and put a timeline of ninety (90) days.
- If it is taking over 90 days, then something is wrong. That even if we can assist with providing additional hands. This is just a proposal.

GFD mentioned that sometimes it's a money issue, the funding.

A question to ask ourselves is what can we do to assist DOA.

That even if the funding is an issue, at least complete processing the applications and when funding is available, then it should be ready to go.

Currently, the Governor's Office does help with at least the clearances for their applications and they do as much as they can to assist DOA.

- A recommendation is to amend legislation for law enforcement personnel funding to be available beyond the first year when initially hired.

3. Park Patrol Training Program – PENDING. This is still pending and the Chairman asked what is the current status.

Guidelines were provided per request from its Director for the development of the Park Patrol Training Program.

Park Patrol mentioned they reached out to the POST Commission for the purpose of approving a training program but also for the purpose of expediting the promotion process for the recruits in July and August 2022.

- Also contacted DOA Training and Recruitment asking what would be the minimum training requirement from DOA.
- DOA was provided with training certificates of 560 hours, which equates to approximately 3 months of training.
- The initial intent is to expedite the recruitment for promotional purposes.
- Park Patrol's personnel status is very critical.
- They are struggling but will have something developed and more solid to include the 560 hours of training.

The Chairman informed Park Patrol that should they need assistance, they can reach out to the Commission. Just want to ensure the Park Patrol Training Program is standardized.

4. Subjected Federal Aviation Administration (FAA) FAR Part 139 mandated regulations for ARFF Personnel to upkeep certification annually. Discussion by POST Vice Chair.

As previously discussed. If we could have this established with the assistance of DOA by having the law enforcement guys develop a plan of training on an annual basis.

- A training plan like what ARFF did with 12 matrixes that requires them to perform their diligent responsibility.
- This is also a monthly training that has to be submitted and actually have to be signed on the training sheets as they perform.

- It will purely be the competency of the fire personnel's performance monitored daily and monthly by their skills and physical performance.
- This is currently in place, a monitored type of a training regimen that was introduced and would like to share with the Commission that it actually keeps the ARFF aligned with us at the brass to make sure that all our personnel are performing.
- Instead of it being a FAR Part 139, it has been adopted as an SOP.
- It's almost like the PFQT, it is not the physicality of the training but it's actually the mentality of their training skills.
- They complete classroom work, they then perform physical for two (2) hours outside the classroom.
- It meets the Federal guidelines and introduced it as a standard for ARFF.
- That it really helps the firefighters and are trained day and night and are scheduled.
- There are drills in the morning and prepared for emergencies, keeping them alert.

5. Guam POST Commission Regulations. Peace Officer Certification of Departments: Operational Requirements

- GFD informed the Commission that there are certification programs, which is part of the National Fire Protection Association standards so they have NFPA standards in different levels.
- It takes the different levels of a fire service and not only did we adopt it it's also incorporated into our promotional requirements which has been submitted at the Department of Administration so we took it that step further and what it actually did was it eliminated the testing process so you don't have to test anymore for like Fire Captain, Battalion Chief, Assistant Fire Chief, Deputy Fire Chief, etc.
- If you have these certifications you are taking nationally certified tests to get that certification so that's one of the advantages of adopting these Federal standards.
- GFD asked if ARFF will include this and adopt the SOP as part of their promotions and said they will.
- Once you're certified with National standards this is a good takeaway for better service for the community.
- All fire departments throughout the nations are using this system.

VI. New Business

1. Guam P.O.S.T. Executive Director Position - Recommendation/Appointment. More updates as previously reported herein under the Executive Director remarks.

The Commission was informed they received a letter from the Governor regarding the nomination/appointment of Mr. John Lizama as the POST Executive Director.

- A copy of his resume and list of past employment was submitted to the POST Commission.
- The Chairman read a brief work history:

Retired January 2020 from GovGuam; he was part of the U.S Army Reserves retired in January 2015 as a Colonel; presently a member of the Guam Parole Board; was Administrator of the Courts for the Judiciary of Guam; was Chief Probation Officer for Superior Court of Guam; he was Deputy Chief; Probation Officer Supervisor; Probation Officer; has a Bachelor of Science Degree in Criminal Justice; has a Certificate of Basic Law Enforcement in Criminal Justice.

Mr. Lizama was highly recommended for this appointment from the Office of the Governor.

- The last Executive Director was Dennis Santo Tomas.

-Any recommendation would have to be voted upon by the Commission.

There were discussions:

Questions were how was the former Executive Director hired, and salary?

The salary estimated for this position is approximately \$70,000.00 per annum.

Would this be under the POST Commission or the GCC.

The Chairman explained that he is unsure but the last Executive Director was employed under the College.

Details are still being worked on regarding ensuring funding for this salary and as reported earlier for a more organized POST Commission office outside of the College.

There was a recommendation to vote on this nomination.

MOTION

M/S/C: (DYA/GPD): A motion was made to accept the nomination/appointment of Mr. John Q. Lizama as the Executive Director for the Guam POST Commission. Unanimously approved.

2. STATUS General Force Leadership Structure Tier - Final Draft (Discussion/ Approval).

There were discussions and only agencies with voting authority present at today's meeting are able to vote.

-DOA asked is the intent to create a general law enforcement structure tier from LEO 1 all the way to LEO 15 and have current officers such as a police officer to be moved over into a slot appropriate for the level of education and experience and knowledge?

-The Chairman replied yes that is the intent.

-The Chairman called all the voting members per the roster listed at each meeting.

-Non-voting are Park Patrol, GCC and UOG.

-There was a question whether DOA has provided input.

-The Chairman verified yes, to include a meeting with Shane Ngata and Francis Flisco from DOA.

For the record the Executive Director, also the Director for DOC, is in support of this plan.

This plan is only the Foundation in moving forward for standardization in reaching the intent of the Commission.

This will be made available on the POST Commission website and has been made available each time via emails and during subcommittee meetings.

-Concepts were also derived from the military and Federal agencies.

The Chairman further explained that there are certain things that every agency is going to have to identify and establish and to make sure it's in line with the force structure.

-Maybe it won't fit so these are the things to consider in moving forward.

-But it will be in line with some kind of structure.

-At least there's going to be more standardization and maybe it will help the POST Commission in reaching the intent of the Commission.

-This will be available on the website for further viewing.

The Chairman mentioned that part of the mandate was to conduct a pay study in line with this but the Commission was not equipped to take on this task.

-That this goes to some extent towards standardizing and creating a foundation for core competencies from the beginning of your career all the way towards the middle of your career and toward the end.

-This also takes into consideration specialties so just to reiterate we're using concepts to learn from the military and the Federal government as far as how this was developed.

-It wasn't just recently developed.

-The first point is to adopt this LEO Force Structure in moving forward.

GFD mentioned this should be helpful for administrative personnel that are into similar resources.

The Chairman took a survey for a vote and 8 out of 11 were in favor. (*Was unclear who were in favor.*)

The Chairman mentioned that in moving forward with this General Force Leadership Structure Tier, the Commission will be working closely with all of the Agency Heads as well as our Servicing HR, which is the Department of Administration (DOA) to further develop this.

-Once we identify the way forward, this will be packaged and presented to the Guam Legislature to put into a mandate.

-Until we get to that point, we want to make sure everybody is considered.

GPD Chief mentioned that the GPD enabling law is not mentioned with some of the positions.

The Chairman mentioned that certain things were done taken into consideration with GPD.

We can still adopt this and make modifications going forward.

-Moving along as we go through each department the Commission can start making changes.

MOTION

M/S/C: (GFD/GPD): A motion was made to adopt the Government of Guam LEO General Force Leadership Structure Tier, as presented, and to make amendments as necessary. Unanimously approved.

The Chairman further mentioned that this is a living document and can be modified and that he will have it available in a spreadsheet on Google Drive and we'll get to the point where everybody is considered and have this mandated.

3. STATUS POST endeavor with POLICEONE – Implementation, as previously reported during the Executive Director remarks. It's a long time coming and the late Dr. Richard Fee was instrumental with Chief Robert Camacho to get this up and moving. Purchase Order was finalized for this endeavor.

All agencies to have their POCs on the spreadsheet.

The subscription is just for the year in the amount of \$77,000.00 to cover the POST Commission members.

Would need a budget for this in moving forward and need to find funding for the renewal.

VII. Next Scheduled Meeting. Thurs., March 30, 2023, 10:30 a.m. (subject to change)

VIII. Announcements.

GPD had some announcements to bring before the Commission:

-Recommendation to develop an organizational chart for a better understanding of the Guam POST Commission with a functional chart. List the Chairman, Vice Chairman, Executive Director and members of the Commission with their names and post it on the POST Commission website, with a list of the enabling law and certain mandates governing the Commission with a hyperlink to those mandates, 10 GCA Chapter 51 and 27 GAR, Chapter 3.

Invite Senator Barnett to the meetings.

A funeral for the late Senator Jose “Pedo” Terlaje was announced and the State Funeral is next week Friday. The Commission was to propose a Resolution in his honor but was unable to do so at this time with gathering of accurate historical information. The Guam Legislature is probably preparing a Resolution and know that the Governor’s Office is doing the same. However, Law Enforcement Personnel will be in attendance and the PoliceOne Training might be rescheduled but an email will be sent out.

It was brought to the attention of the Commission that there is a possibility of a law that was recently passed that will affect the POST Commission. Research will be done on this regarding CVPRs.

IX. Adjournment.

MOTION

M/S/C: (GPD/GFD): A motion was made to adjourn the meeting of February 9, 2023. Unanimously approved.

There being no further discussions, the meeting was adjourned at approximately 12:39 p.m.

/s/

Dated this 15th day of September 2023.

Bertha M. Guerrero
Recording Secretary