



GUAM PEACE OFFICER STANDARDS & TRAINING COMMISSION (POST)

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P.O.S.T. COMMISSION MEETING MINUTES Wednesday, March 2, 2022

I. Called to Order. The P.O.S.T. ("POST") Commission meeting of March 2, 2022, meeting was called to order via Zoom at 10:13 a.m. by the Guam Customs & Quarantine Agency, Chief Vince Perez, the POST Commission Chairman and assisted by the POST Executive Director Robert Camacho.

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 Airport Police; Guam Attorney General; Guam Customs & Quarantine Agency, Guam Department of Corrections; Guam Fire Department; Unified Courts of Guam (Probation); Aircraft Rescue & Fire Fighting (ARFF); DYA.

Documents Received. Document(s)/Packet: 3-2-2022 Agenda; 1-28-2022 P.O.S.T. Minutes; Proposed forms from the Vice Chairman: "Guam POST Commission Regulations – Peace Officer Certification of Departments: Operational Requirements; NFPA Medical Physical Examination, Light Duty-80-hours Work schedule; Physical Exam Summary; and Peace Officer Standard and Training (POST) Standard on Comprehensive Occupational Medical Program for Departments, Chapter 1 Administration; Return to Limited Work Permit."

II. Review and Approval of the Minutes of January 28, 2022.

MOTION

M/S/C: (GFD/AG): Motion was made to approve the Guam P.O.S.T. Commission Meeting Minutes of January 28, 2022, with corrections. Unanimously approved, motion adopted.

III. Chairman/Vice Chairman Remarks. The Chairman mentioned he will explain the General Force Leadership Structure Tier and other updates; and the Vice Chairman mentioned he will discuss the Federal Aviation Administration (FAA) FAR Part 139 mandated regulations for ARFF Personnel to upkeep certification annually in today's agenda.

IV. Interim Executive Director Remarks. The Executive Director explained that he contacted the Compiler of Laws as recommended by GPD Chief Ignacio regarding certain actions that are adopted by the POST.

V. Old Business.

1. Guam P.O.S.T. Executive Director Position-UPDATE. As last reported, the Executive Director informed the Commission that he recently attended a meeting with the Governor, the Chief

of Staff and attorneys at the Governor's Office regarding the POST Executive Director position.

- The Chairman then informed the Commission that this matter is status quo as last reported funds are still being identified to include two (2) administrative support to assist the Commission.
- The Chairman will report to the Commission of any updates especially with regards in moving forward with the hiring process.

2. STATUS General Force Leadership Structure Tier-UPDATE.

The Chairman reported he reached out to Mr. Francis Flisco from DOA regarding some concerns. There were three (3) questions in particular:

1. What position/steps would the POST need to complete in order to allow DOA to analyze whether each respective LEO entity has classified their positions appropriately into the level of this force structure.
 2. Some LEOs such as GPD, Department of Corrections, and others which are law enforcement centric with law enforcement centric missions, are agencies that tackle law enforcement, are more than likely going to be able to classify all their different leadership tiers from their executive leadership, to their tactical operators and to their entry level into the force structure.
- The Chairman mentioned the Commission does want to work with DOA and asked if the POST could put in as part of its decision-making matrix certain criteria to ensure that only law enforcement entities are classified into this force structure is appropriate with the intent of the matrix.
3. Each law enforcement agency respective in the government need their own force structure. Would the POST be able to tailor each agency's needs and current staffing patterns with their agency's organizational size and structure?

The Chairman mentioned that certain agencies are much smaller and may be operating as a division.

- This is relative to question #2.

- Once the Chairman receives all this information, we are going to move forward.

A document will be sent out for everyone to review which are the actual facets of the force structure broken down into four (4) tiers.

- These are the entry level, apprenticeship/tactical tier, supervisory/special tiers, and executive/management.

- The Chairman asked each agency to provide their input and submit to the Chairman, the Vice Chairman Chief Raymond Mantanona, Executive Director Robert Camacho, or to the Administrative Secretary, Bertha Guerrero.

- A subcommittee has been established with each agency being represented.

- Subcommittee meetings will be scheduled once clarification to questions herein for DOA are answered.

- The Chairman will continue his research and will move forward with the meetings in a few weeks.

3. STATUS POST endeavor with POLICEONE. Funding-UPDATE.

- As last reported, there was a meeting at the Governor's Office regarding this endeavor.

- The Executive Director explained that funding for this will cost approximately \$85,000 and will be sole sourced.

- The funding source is still being identified but will continue to follow up but also stated that this will happen and implemented.

- The Commission has the full support of the current administration.

4. POST Development of Rules and Process for Peace Officer decertification. Formalize committee and establish plan of action to be developed. -UPDATE

The Executive Director explained he wanted to address this due to the media contacting him and some issues that were brought up regarding decertification.

- The media asked about the process and was informed the media that the Commission is still working on this.

- Still has to get with the Department of Administration regarding this.

- The Exec. Dir. mentioned he sent a proposal last month to all the agencies.

- That before the Commission goes through the last process on this, the Exec. Dir. would have to go over the details with DOA and still has to meet with them.

The Executive Director mentioned that there are two (2) tracks going on with this.

- One is with a personnel adverse action.

- As an example, an individual is unable to perform the PFQT after four (4) chances to do so and decides to reclassify the individual from a law enforcement officer to a clerical position.

- However, should the individual disagree with this reclassification, this becomes an issue through the Civil Service.

- The Decertification process though is totally different and an agency would have to request the POST Commission for decertification and the details behind it.

- The Executive Director informed the Commission that to date, there has been no requests for decertification.

- The issue brought up was that an agency just informed the Commission that this individual is no longer employed although the Commission did not go through the decertification process for this individual.

- The Executive Director mentioned that the Commission would have to formalize a process for decertification.

- This incident occurred with the Airport Police wherein the individual questioned this process.

- The Executive Director mentioned that the POST Commission should accept the decision of the Civil Service but does see a problem.

- The problem is that there are over a thousand Peace Officers and is not sure the Commission has the ability to address these individuals personally with each case which will involve hearings and several other things in order to go through a decertification.

- He further mentioned that he is trying to streamline it to be fair to all the employees that may be decertified.

- This issue is challenging and would have to discuss this further with the Department of Administration.

- That there might be issues relating to personnel actions that the Executive Director is unaware of and would have to work with DOA as to the best avenue for this.

- As previously issued to the POST members, the Exec. Dir. provided a draft proposal regarding this issue.

- The Exec. Dir. asked the Commission to further review the draft and provide input through email,

or if needed to request to resend.

GFD mentioned when an agency does an adverse action for whatever reason to remove an individual and eventually goes through the Civil Service Commission, which takes time, that once DOA decides and that as an agency, should at least inform the POST Commission with the notion that decertification will be pending the final stage which is Civil Service.

-GFD asked would this be the correct track.

The Exec. Dir. informed the Commission this is in the draft proposal to agree with the decision of the Civil Service.

-The Exec.Dir. reiterated that the POST Commission has not gone through a decertification.

-That should an individual commit a crime, that is an automatic decertification according to the law and does not have to go through a decertification process.

-However, in other instances where the issue could be a performance issue, that's what would be relative to decertification.

GFD mentioned that the agency should start the progressive discipline should there be a pattern of misbehavior or recklessness and reiterated that once this issue goes through DOA, the POST Commission should be made aware of a possible recommendation for decertification.

-The Exec.Dir. agreed and that the agency has to request to the POST Commission for decertification according to the law.

The Vice Chairman explained he understands these will be a case-by-case basis and if the issue is the individual is unable to perform his PFQT by any means, an agency should not be able to decertify this individual.

-The employee should be allowed to be given an opportunity to perform and documentation of the individual's progress.

-That if we had a training and medical program in place and a doctor that can render assistance that can inform the agency whether the individual is permanently or temporarily unable to perform, there is help to provide the individual before moving forward with decertification.

-The Vice Chairman brought this up because ARFF has encountered this issue.

-That due to the program they currently have in place, this issue has not been repeated and individuals were assisted.

-This is the reason why he is sharing this because it actually happened at ARFF and was resolved with their current program.

-The Exec.Dir. thanked the Vice Chair for sharing this information.

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

The Executive Director explained he conducted a research on this.

-That he wanted to address employees on extended long-term disability and not given medical retirement.

- An individual could be certified as disabled, for example, with a heart problem and Retirement Office is aware of this individual's situation as being an individual with disabilities but still occupy the same position. What does an agency do in this situation?
- An issue that comes up is updating of paperwork, keeping track of this individual and benefits still has to be paid.
- There were benefits that DOC was unaware of that entitles these individuals and has to be paid.
- The Exec.Dir. recommends agencies to communicate with their ASOs, if the agency is in this type of situation of extended long-term employees on disability and what find out what the agency has to pay.
- This includes contacting the Retirement Office to find out whether or not the agency is up to date on what has to be done with this type of situations otherwise, the agency will end up paying an additional amount upon the individual's request for retirement.
- The retirement paperwork won't be complete thus the individual is unable to retire due to the agency owing additional money and the individual still holds the position.
- The Exec.Dir. explained that it is very critical for all agencies to follow up with its employees on long-term disability.
- The Exec.Dir. further explained that he was just aware of this recently and that in the past, should a person with disabilities requested for disability retirement, it was granted. However, now a person with disabilities has additional financial benefits that has to be addressed and paid before retirement is finalized.
- So agencies have to check into this, if not already done, otherwise the agency might owe some money.

The Exec.Dir. mentioned that with this issue, the Vice Chair will provide a presentation regarding disability and other issues relating to medical, etc.

- That there are five (5) different documents, which he has reviewed.
- He further mentioned that he wanted to reiterate that when medical issues are brought up such a spinal problem, vision, etc., there are a lot of medical terms regarding this.
- That because we are not medical experts, there are a lot of these terms we don't understand its meaning.
- That what the Airport has done, while he was there and now with DOC, they focus on performance in accordance with your job description.
- As an example, a Fireman, instead of questioning what he cannot do, you look at specific duties such as can the individual as a Fireman drive a fire truck, or an ambulance, can he carry a specific weight, pulling a hose, climbing ladders, etc., which are things that are job specific and won't have the issue of HIPPA by disclosing certain health information, which has helped the Airport and DOC.
- With HIPPA, we cannot ask our employees what is their health problem.
- So again, specific job questions are asked relating to an individual's performance but not asking what his medical problem is.
- So if given administrative work, or other desk work, the individual could probably still perform certain jobs such as driving, maximizing the employees to the best of their abilities.
- Should an agency have issues with what they can do with medical profiles, they can contact the Exec.Dir.

6. Park Patrol Training Program – PENDING. This is still pending and the Chairman will communicate with Park Patrol in moving forward regarding the background of the training.

7. P.O.S.T. Policy Adoption Form – UPDATE. The Exec.Dir. mentioned that at the request of GPD Chief Ignacio, we should contact the Compiler of Laws to verify what the Commission is required to submit with regards to actions taken by the Commission.

-The Exec.Dir. informed the Commission that his point of contact, Ms. Cepeda, informed him that we don't need to submit all actions by the Commission but only if it changes the statutes.

-That policies we establish is within the realm of the Commission and does not have to be submitted to the Compiler of Laws.

-As an example of within the realm of the Commission are what agencies are we accepting certificates from such as the FBI, military, etc.

-The Exec.Dir. established a draft form that was presented to the Commission.

-This form will document and keep track of any actions by the POST that was approved during the POST Commission meeting as stated in the POST Meeting Minutes.

-Actions that can be recorded in a form as a tracking of decisions made through the years, formalizing it in a certification format.

-The Exec.Dir. mentioned he then start the process of documenting with this form once approved. The following motion was then made:

MOTION

M/S/C: (GFD/ARF): Motion was made to accept the draft of the P.O.S.T. Policy Adoption Form and subject to further review and/or revision, as needed. Unanimously approved, motion adopted.

VI. New Business

1. Subjected Federal Aviation Administration (FAA) FAR Part 139 mandated regulations for ARFF Personnel to upkeep certification annually.

The POST Vice Chairman, Fire Chief Raymond Mantanona, provided documents relating to ARFF's upkeep of its annual certification requirement and proposed to the POST Commission to mirror its training.

-The Vice Chair explained that ARFF is mandated under the Aviation Regulations FAR Part 139 certification for airport operational requirements.

-The ARFF personnel have to annually attend at least 2 hours of classroom instructions and 2 hours of practical training, which are recorded.

-All rescue firemen personnel are equipped with the proper equipment and clothing needed to perform their duties.

-An inventory inspection is done every year and each personnel undergo this inspection to ensure their safety.

-All ARFF PPEs are inspected daily also for each personnel's protection.

-The purpose of this presentation, "Peace Officer Standard and Training (POST) Standard on Comprehensive Occupational Medical Program for Departments..." is "...is to outline an occupational medical program that, when implemented in a department, will reduce the risk and burden of Peace Officer service occupational morbidity and mortality while improving the health, and thus the safety and effectiveness, of Peace Officer operating to protect members of the public's life and property."

-That "the implementation of the medical requirements outlined in this standard ensures that candidates and current Peace Officers/Recruits are medically capable of performing their required duties and will reduce the risk of occupational injuries and illnesses."

The Vice Chair understand agencies are having problems with medical profiles.

-Can still place individuals under medical profiles when needed. We are not just placing them anywhere but to assist within the department.

-Cannot continue to put them out in public and can injury themselves or the public.

-A medical physician hired by the department should be the one to perform an assessment.

-The doctor will be the voice to the department as to the capabilities of the personnel.

-Private physicians are acceptable but a higher professional qualified to determine their job capabilities can be the voice.

-That it is our responsibility in management to ensure everyone's safety.

-That this proposal is currently working at ARFF and can work for the POST.

-This proposal will be sent out to all POST members and can be discussed at the next POST Commission meeting.

-The Vice Chair will conduct a presentation at a separate date and will inform the Commission as soon as it can be scheduled.

The Chairman reiterated for everyone to review the proposal and provide input at the next meeting.

2. Guam POST Commission Regulations. Peace Officer Certification of Departments: Operational Requirements. This ties in with the previous discussion from the Vice Chair and again the proposal should be reviewed and provide input from all LEO agencies.

VII. Next Scheduled Meeting. Fri., April 29, 2022 (subject to change)

VIII. Announcements.

-Judiciary conducted its PFQT last week for the Marshal's Office and Probation Office.

-GFD mentioned that with COVID, it is challenging to find a venue to conduct an academy for 30-35 recruits and asking if there is a venue that can accommodate them.

-The Chairman understands the current situation, maybe to work out something with GCC or other agencies.

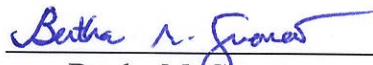
IX. Adjournment.

MOTION

M/S/C: (GPD/Customs): A motion was made to adjourn the meeting of March 2, 2022. Unanimously approved.

There being no further discussion, the meeting was adjourned at approximately 11:16 a.m.

Dated this 9th day of February 2023.


Bertha M. Guerrero
Recording Secretary

