



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

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**P.O.S.T. COMMISSION MEETING MINUTES
Friday, April 12, 2019**

I. Called to Order. The P.O.S.T. (“POST”) Commission meeting of April 12, 2019, was relocated to the Guam Community College Student Center Training Room 5108 due to problems with the air-conditioning unit in the LRC Room 112, signs were posted and emails sent regarding the relocation.

The meeting was called to order at 9:15 a.m. by Department of Corrections Deputy Director Joey Terlaje, Vice POST Chairman, assisted by Mr. Robert Camacho (former Chairman and Chief of the Guam Airport), in the absence of a POST Commission Executive Director, was held in the Guam Community College Student Center Training Room 5108 in Mangilao, Guam

Roll Call by Agency/Department:

Member-agencies/other agencies: Please refer to the sign-in sheet. Quorum was established. Representatives from GPD, Guam Airport Police, Guam Port Police, Office of Attorney General of Guam, Guam Customs & Quarantine Agency, Department of Corrections, Unified Courts of Guam-Probation, Guam Department of Administration (DOA); Department of Youth Affairs, GDOE School Resource Officers. Senator Pedro Terlaje and Mr. Chris Carilo from the Guam Legislature were present.

Documents Received. Document(s)/Packet: April 12, 2019 Agenda; March 28, 2019 P.O.S.T POST Minutes; Drafts of P.O.S.T. Training Verification Request forms (proposed revised drafts for GPD, GFD, DOC and Guam Customs); DOA Memorandum HRD No. 19-364 dated April 8, 2019 from Mr. Shane Ngata, DOA Human Resources Manager to DOA Director regarding Request to Rescind HRD No. 18-51, Ref: The inclusion of the Guam P.O.S.T. Commission Reading and Writing Proficiency Requirement in job announcements; List of Guam P.O.S.T. Commission Peace Officer Categories (draft); Memorandum dated April 10, 2019 from GFD Fire Chief Daniel Store to the Guam POST Commission, Department of Administration, and All Concerned.

II. Review and Approval of Minutes of March 28, 2019.

There is a change on page 5 under New Business:

“GPD mentioned Judiciary is still using the 2.1”

Correction from Judiciary: Judiciary is now using the new standards for testing.

MOTION

M/S/C: (Judiciary-Marshall's/Customs): Motion was made to approve the Guam P.O.S.T. Commission Meeting Minutes of Thursday, March 28, 2019, with corrections. Unanimously approved, motion adopted.

III. New Business.

1. **List of Agency Peace Officer Positions.** Mr. Bob Camacho thanked GPD for updating the Peace Officer Positions and placed the positions into one form.

-Mr. Camacho explained that the Commission would have to consider some of the items listed such as those for a Category I Peace Officer with DYA for Youth Service Workers to be Category I.

-A Category I Peace Officer entails the power to arrest/detain, write reports, use of lethal/non-lethal force, etc.

-Should the decision for DYA is to incorporate these items for a Youth Service Worker position, then DOA would have to revise/update the position description for this job announcement.

-Still waiting for the other agencies to provide their input regarding their Peace Officer positions.

-Mr. Camacho further explained that if agencies want to push these through, would have to do so because it involves GCC, DOA and the POST Commission.

-There is a list, however, some positions have changed and have to be updated such as SROs that were SAOs. Need to be updated into the DOA listing, which will help DOA process applications.

Another issue Mr. Camacho brought up was Armed Security Guards for the Guam Airport Police.

-If these Guards are to be included into the law as Category I Peace Officers and allowed to use deadly force and make arrests then there should be continued discussions on this.

-This is a concern for some of the trainers.

-There is a liability issue with regard to their use of deadly force and other factors would have to be taken into consideration.

-Depending on the outcome of future discussions, consideration will be given to include the Armed Security Guards as Category I Peace Officers.

2. **DOA Memorandum regarding Applications.** Mr. Bob Camacho informed the Commission regarding the following:

-A Memorandum dated April 8, 2019 from Mr. Shane Ngata to the DOA Director was provided to the Commission regarding a "Request to Rescind HRD No.: 18-551."

-Had a long discussion with DOA in a meeting a few days ago regarding the English and Writing proficiency requirement.

-That there has been a delay on application processing regarding this requirement.

-Members will receive via email the new POST Certification requests form for GCC review.

-Explained that the law requires college level English proficiency, or exam and after discussion with DOA, agreed to some alternatives due to several applicants who have not taken this course but the option is to take an exam as previously conducted by DOA.

Ms. Angie Diaz from DOA explained the alternatives:

-An option for the POST Commission as discussed with Mr. Camacho is to certify the DOA written test as having met the English proficiency examination, or should the Commission decide to pursue another avenue, DOA will fully support the Commission's decision.

-The Memorandum from DOA herein basically removes DOA from the vetting process in the solicitation of applications and revert it back to the original job standards for Peace Officer positions and has amended any current job announcements that had the POST English proficiency requirement as a requirement to be admitted to the written test.

- DOA has also amended the job announcements and individuals who applied under the previous job announcements will be migrated to the new job announcements.
- This will allow DOA to test a larger pull of applicants to process for agencies and agencies will handle the POST Certification process along the way.

There were some discussions such as that the DOA exam is an extensive test and is not an easy test; standards are not being lowered, just another form of meeting the requirement.

3. English Proficiency Course / Exam - Approval of English college level course and Exams from GCC/UOG/DOA. Mr. Bob Camacho explained that the English is still a requirement. If an individual has taken the course, they do not have to take the DOA exam.

- That the law provides to either take an English course, or the exam.
- That as a Commission, this is a decision to make whether to accept DOA's exam as part of the certifying process
- This will also be discussed with the GCC President, Dr. Okada, regarding the Commission's decision.
- There were concerns from GFD:
- That during a previous POST Commission meeting, a representative from GCC made an important point that courses are also created based on community needs.
- There are models that exist that the POST Commission and GCC can accept, etc.
- Issue now is whether the individual pursues an Associate Degree and would need the course to be from an accredited institution.
- Believes that the POST Commission is under GCC because of it being an educational institution and accredited.
- Concern is to explore an English class that satisfies both the community and the POST Commission and still be accredited.
- Another concern is that it would be unfortunate to have an individual go through the entire process, government funds spent on this and should the individual fail, then the individual could be terminated.

Mr. Camacho understood regarding accreditation and mentioned there are other options and could be discussed further. At this time, the following motion was made:

MOTION

M/S/C: (DOC/GPD): Motion was made to approve that the Guam Department of Administration English Examination be accepted as part of the process for the English proficiency requirement for the Guam P.O.S.T. Commission. Unanimously approved, motion adopted.

For clarification purposes, GFD J. San Nicolas mentioned he had no issues with the DOA Examination for English proficiency but that this would be an added cost for the agency, which is his concern.

4. Post Certification Draft Form. Some drafts forms for POST Certification for each Police Officer Category was provided to the Commission.

- Lt. Torre informed the Commission that the drafts consisted of examples for four agencies which are GPD, GFD, DOC and Guam Customs.
- Mr. Camacho informed the Commission that Sgt. Gamboa and Lt. Torre put the drafts together for the said agencies to include the qualifications of each Peace Officer Category.

- This will help in vetting employees for agency files.
- These drafts indicates the law that applies to each Peace Officer Category.
- Drafts will be emailed to the members and asked members to review them for input.
- These drafts were based on discussions from previous meetings.

At this time there was a question regarding the English proficiency for individuals who are already employed by Government of Guam.

- For individuals who completed a formal training academy at GCC but did not have the English/Writing course.
- Would they have met this requirement because of their formal training at GCC?

Mr. Camacho explained that the draft forms will be submitted to the AG's office for review and that in 2014 the law was passed with all the additional course requirements.

- Not sure if this is applicable prior to 2014 or not.
- The Commission has an AG's Opinion applicable to those who are re-employed that states if being re-employed, would have to go through the new standards.
- Feels that we still need clarification and will submit the new forms for AG's opinion.

IV. Next Meeting Scheduled. May 30, 2019 subject to rescheduling.

V. Adjournment.

MOTION

M/S/C: (AG's/DOC): A motion was made to adjourn the meeting of April 12, 2019. Unanimously approved.

There being no further discussions, the meeting adjourned at approximately 9:51 a.m.

/s/

Dated this 21st day of June 2019.

Bertha M. Guerrero
Recording Secretary