



PEACE OFFICER STANDARDS & TRAINING COMMISSION

P.O. Box 23069 GMF, Barrigada, Guam 96921
1 Sesame Street, Mangilao, Guam



P.O.S.T. COMMISSION MEETING MINUTES Thursday, April 28, 2016

I. Called to Order. The P.O.S.T. (“POST”) Commission meeting of April 28, 2016 was called to order at 9:09 a.m. by Mr. Robert “Bob” Camacho, Chairman, held in the Guam Community College Student Center Training Room 5108 in Mangilao, Guam.

At this time, the Chairman explained that due to health issues he was unable to attend some POST Commission meetings and his attendance should be more consistent now that he is back.

Roll Call by Agency/Department:

Member-agencies:

1. Mr. Joseph I. Cruz, Chief of Police, Guam Police Department;
2. Mr. Robert “Bob” Camacho, Chief, Airport Police;
3. Mr. Chris Roberto, Asst. Chief; Mr. David Esplana, Port Police II, Guam Port Police;
4. Mr. J. Basil O’Mallan; Mr. Tony Aguon, Guam Attorney General’s Office;
5. Guam Customs & Quarantine Agency (CQA) (no attendance);
6. Mr. Antone Aguon, Capt.; Mr. Alan Borja, Warden, Department of Corrections;
7. Mr. Mark Aguon; Mr. Frankie Quinata, Division of Aquatic & Wildlife Resources, Dept. of Agriculture;
8. Ms. Therese Terlaje, University of Guam;
9. Guam Community College (no attendance);
10. Mr. Ed Toves, Chief Marshal; Mr. Thomas Masga, Captain; Mr. Vince Naputi, Sergeant, Unified Courts of Guam Judiciary, Marshal’s Division;
11. Mr. Ronald Castro, Deputy Fire Marshal, Guam Fire Department;
12. Probation Division, Unified Courts of Guam Judiciary (no attendance);
13. Personnel Services Division Administrator, Department of Administration (no attendance).

Other agencies: Mr. Aaron Unpingco, Lt. Governor’s office.

II. Announcements and Documents Received. Document(s)/Packet: 1/28/16 Meeting Minutes; 4/28/16 Agenda; Letter dated 4/15/2016 from Ms. Christine W. Baleto, Acting Director, Department of Administration (DOA) addressed to the POST Commission Chairman regarding the English Reading & Writing Proficiency Requirement; Letter dated 4/27/2016 from Dr. Richard W. Fee, Judicial Educator, Judiciary of Guam, addressed to Chief Robert Camacho, GIAA regarding public forum with issues relating to the POST and dealing with individuals with disabilities.

III. Approval of Minutes from previous meeting of January 28, 2016.

MOTION

M/S/C (AG-B. O'Mallan/GPD-J. Cruz): Move to approve Meeting Minutes of January 28, 2016, with corrections. Unanimously approved, motion adopted.

IV. Executive Director. The Chairman referred to the January 28, 2016 meeting minutes.

- The during the last POST Commission meeting, Major Vincent Perez, the Vice Chairman was appointed as an Acting Executive Director for the POST Commission.
- Said not sure what Major Perez has done so far.
- Mentioned that Major Perez also has other duties and responsibilities as a full time employee with Customs & Quarantine.
- That with Major Perez's current job, it will be a lot for one person to handle this additional responsibility.
- Chief Camacho suggested that each agency should assign a representative or representatives that will bring concerns/issues before the POST, such as a subcommittee within the agency for the duration in the absence of an Executive Director.
- Representative(s) will focus in areas that need to be done in order to comply with the POST Administrative Rules.
- This will allow things to move such as vetting personnel to ensure they are meeting the POST requirement.
- Representative(s) will also address issues now rather than waiting for an Executive Director to be hired.
- Chief Camacho just needs some assistance and can schedule a meeting sometime next week, should someone require assistance.

The AG's office brought up a concern regarding individual representative(s) in subcommittees.

- Was advised by Civil Litigation's office that this is not allowed when two or more are involved.
- Having more than one person in subcommittees is a cause for potential violation of the Open Government Law.
- Marshal's suggested what the Judiciary is currently doing regarding this process.
- Judiciary is working with its HR office and the staff attorney to identify individuals who have met certain qualifications.
- Once HR and the staff attorney have identified those who have met the POST Commission requirements, they will submit a packet to POST for certification.
- T. Masga suggested to have all agency representatives meet with its HR to go through this process.

Chief Camacho asked if the Judiciary could provide a presentation for all agency HR representatives to meet as to the process the Judiciary is currently going through.

- GPD Chief Cruz mentioned that this might be difficult for GPD since its personnel is larger than the Marshal's Division.
- Chief Cruz preferred the idea of subcommittees that are more informed of the POST requirements than an agency's HR.

The AG again brought up the concern relating to POST subcommittees meeting.

- That with a POST subcommittee meeting, it is a potential violation of the Open Government Law, however, with regards to HR personnel meeting, it does not violate this law.
- AG suggested that each agency should go through a preliminary review and approve those that are ready for submission to the POST Commission.

-After this process, it can be submitted to the POST Commission Exec. Director or whoever is assigned to vet the applications and present this to the POST Commission members during its regularly called meeting.

Chief Camacho asked Marshal T. Masga for a copy of its checklist that the Judiciary HR is currently utilizing.

-T. Masga will check with its HR and will share this with the members.

-Chief Camacho is willing to assist any agency by meeting them individually.

-UOG brought up a concern with regards to a different checklist for each agency.

-There was a suggestion that everyone should develop its agency checklist and present to the POST Commission to finalize and standardize one checklist for all to utilize.

-GPD agrees with this and then having it sanctioned by the POST Commission as one (1) standardized checklist.

-*T. Masga mentioned that in order to move forward on this, he will email the checklist to Chief Bob who will then finalize it for everyone.

The AG made a suggestion with regards to submitting packets for approval.

-Each agency should be allowed to submit an individual application instead of as a whole.

-As mentioned in previous meetings, there was a concern as to where documents should be submitted.

-Chief Bob informed members to continue submitting documents to the GCC President's office and then it will be forwarded to the Chairman. The recording secretary is currently assisting the Chairman.

In referring to the January 29, 2016 Meeting Minutes regarding a POST Commission Executive Director, Chief Camacho informed the members that he approached Senator Aguon to provide funding for this position.

-Chief Camacho mentioned that Senator Aguon will try to get funding for the next fiscal year.

-AG asked who hires the Executive Director and if the POST Commission is allowed to provide input in this process.

-Chief Bob explained he was part of the interview committee along with personnel from GCC to include an EEO and other administrators.

-Chief Bob further explained that whoever is selected, the POST Commission would still have to make a motion to accept the next person hired as the Executive Director.

Referring to the last meeting regarding the physical fitness and forming a subcommittee for this, the Chairman asked for updates.

-GPD Chief Cruz reported there has been no subcommittee meetings to date for GPD but did report that Sgt. Naputi from Judiciary has met with Major Vince Perez. Do not have a report for this.

-Chief Cruz did report that GPD will be conducting a second diagnostic physical fitness test and it has been ninety (90) days since the first one.

-*GPD will analyze the data and will present this at the next POST Commission meeting.

-Chief Cruz also informed the members that he would like to present this before the oversight Chair and request for legislation to amend this portion of the law based on the data GPD will be submitting.

The Chairman asked that before Chief Cruz submits anything before the Guam Legislature, requested that a consensus should be done to either modify the whole PT portion of the law, or just a certain portion of it.

-GPD mentioned that there are discussions between GPD Sgt. Aguon and Sgt. Vince Naputi from the Marshal's Division regarding problems with the current PT and would like to seek ways to fix these issues.

-GPD mentioned seeking a solution regarding a test that will work, otherwise more than half of the current police officers will lose certification.

-Use what is recommended as another way to test and make an analysis versus what is currently in the law.

-GPD is concerned about the whole process of amending the current law and its timeframe.

-*The Chairman will look into the current law and check if there is a section that allows adjustments to the PT without going through the Triple A process. Chief Camacho will look into this.

-Chief Bob requested that should there be any changes, recommend to only change that certain portion if that is the part that does not work, or making it a universal physical fitness program for all.

-Chief Cruz agrees with this suggestion, however, he mentioned this has to be addressed immediately.

-Chief Cruz also mentioned he is not making this a GPD issue alone but informed the members that GPD does have the highest number of law enforcement personnel on island.

-Chief Cruz further explained that at some point, he agrees that this issue would have to be addressed before the Guam Legislature. To consider amending the law to ensure law enforcement officers succeed in getting certified versus failure. The results currently show officers are failing.

-Chief Cruz reported GPD currently has a 60% failure rate and DOC reported 30% passing.

The Chairman referred to the letter from DOA, which has concerns relating to some of the issues currently being brought up by the members such as whether the old agility test should still be utilized.

-Chief Camacho asked for members to provide their input and any concerns regarding the old agility test.

-There was a question as to why change the PT when this is what was initially used when first hired.

There were further concerns as to how to modify the PT without lowering the standards. This is something that has to be worked out.

-There was another concern regarding Air Force standards being used.

-The Government of Guam does not have the same tools or mechanisms in place to assist its employees as opposed to what the Air Force has in place.

-The Air Force puts individuals who fail into programs to help them, which is an advantage for those individuals.

-Government of Guam employees does not have the same benefits as the Air Force.

-Government of Guam employees would have to seek resources on their own.

-Chief Bob mentioned that research was done approximately 2-3 years as to which standards to use and the Air Force is what was followed.

-Understands concerns that some do not want to be tested.

- Issues will continue to come up but would have to choose something now as a standard.
- The Chairman then asked GPD Chief Cruz to please submit his proposal for the POST Commission review.
- GPD Chief Cruz said he will do this at the next POST meeting and are looking at two (2) options.

There were further discussions. The Chairman asked that if there are any changes GPD are proposing to the Guam Legislature, recommended this be done together with the POST Commission.

- The Chairman gave an example that if one agency decides to make changes on their own without the support of the POST Commission as a unified group, others might do the same.
- The Chairman believes this is the best way with a consolidated effort of all the members.
- GPD agrees but would need commitment from all the members.

VI. Old Business

1. GPD CVPR certification status; other POST certification?

The Chairman asked Chief Cruz the status of the CVPR certification.

- Chief Cruz explained that the audit for this is complete. Submitted last deliverables to Senator Aguon's office.
- Senator Aguon's Chief of Staff called Chief Cruz and based on the audit conducted regarding the CVPR program, a list was made as to who have or have not met the standards.
- Chief Cruz also informed members that they have been collaborating regarding this matter with the Attorney General's office and are being assisted by Mr. Dave Rivera.
- Have concluded there are two (2) options either through the Prior Learning Assessment through GCC, or something sanctioned by the POST Commission.
- Chief Cruz further explained that they are moving forward to ensure all meet the class requirements and thereafter will present this to the POST Commission for its consideration.
- Chief Bob offered his assistance, if it will help to expedite this process.
- Chief Cruz further informed members that all reservists affected by this have been notified and will be trained soon within 1 to 2 weeks.

2. Supervisory; Management; Executive – Input?

The Chairman informed members that he did a program for supervisory management executives.

- He met with the trainers and drafted a proposal.
- Letter was submitted to DOA requesting for training at DOA but no response received to date.
- DOA will decide the different levels and timeframe.
- This will ensure leaders have some type of training background.
- Anticipate to get a response by next month and its implementation.

3. Trainer Criteria Input? To be discussed further at next meeting.

4. Lesson Plans Input? To be discussed further at next meeting.

5. Forms status. To be discussed further at next meeting.

- *The Chairman will resend all information regarding the Trainer Criteria, Lesson Plans, and forms.
- Would need input from all the members.
- Anticipate these to be adopted by the POST Commission.
- Recommend a final vote by the next meeting.

6. Update on Diagnostic Testing. Chief Camacho mentioned the following:

- There are some resistance to date regarding the diagnostic testing.
- Some employees have indicated they do not want to be tested.
- Reasoning is because this does not become effective until December 2016.
- Most have provided health clearances.
- Employees are also questioning whether testing can be done prior to December 2016.
- Chief Bob further explained that it is up to each agency to figure this out and anticipate each agency will make this happen by December 2016.
- Make a decision by next month, should the POST Commission decide what to do, maybe put this on hold and bring this issue before the Guam Legislature to make changes.
- The Chairman explained that this decision is critical in also pointing out the same concern by the GPD Chief in having this addressed quickly.
- That by December 2016, things should be already in place and testing should begin.
- That by December 2017, anticipate there will be adverse or disciplinary actions.
- To come to a decision as to how to approach this issue including going to the Guam Legislature and make changes.
- There was a question regarding an individual, someone is not unwilling but is unable to perform the test beginning December 2016.

Chief Camacho explained that the period from December 2016 through December 2017 is a monitoring process.

- That by December 2017, if individuals are unable to participate, disciplinary actions, counseling and other procedures will take place.
- This is also the time to help individuals in passing the test.
- Would have to implement the process through DOA procedures.
- This includes finding alternatives such as placing employees in another position.
- Employee would still have to meet the criteria for a certain employment position and that position would have to be available.
- If position is unavailable, unfortunately this might lead to an employee being dismissed/terminated.

There were several discussions regarding the PT. The Chairman informed members that if they have an idea of what they want in a physical fitness program, to submit this by putting a packet together and present it to the POST Commission.

The Chairman also informed members there is currently a Government of Guam wellness program in place that allows employees to participate in a fitness exercise program approximately for one (1) hour, 2-3 days a week.

- The Chairman said there are still provisions to follow.
- GPD Chief Cruz mentioned this can be tough on a shift worker's schedule.

The Chairman mentioned the following for members to do before the next meeting:

- Need input from all members on trainer's criteria and lesson plans. Chief Camacho will send these out again and anticipate a decision by next month.
- There is a sense of urgency and asking everyone to come up with their plan on how to implement its agency's physical fitness plan. Determine what members want for

their Physical Fitness. Will come back to discuss. Should the consensus be to change the plan then will determine the modifications.

7. Executive Director. As previously discussed.

VII. New Business

1. Physical Fitness Implementation -Progress and challenges. As previously discussed.

-*AG referred to the Petition previously submitted regarding Ms. Erlinda Blas and requested this to be addressed at the next POST meeting. The Chairman will review this.

VIII. Announcements.

- GPD is moving Police Week to 6/3-6/11/2016 due to the 2016 Festival of the Pacific.
- The Proclamation signing is scheduled 6/3/2016 and Police Week festivities thereafter.
- GPD will email out more information. Would like every local law enforcement agency to participate.
- The Airport Police will also be celebrating Police Week after the FestPac.
- Judiciary announced it will submit approximately 20-25 packets for the POST Commission's consideration at the next meeting.

IX. Round Table Discussion.

- The Chairman will respond to the letters attached to today's meeting packet.
- A request was made for the Department of Administration representative to attend the next POST Commission meeting.

X. Next Meeting Scheduled-9AM, Thursday, June 9, 2016.


XI. Adjournment.

MOTION

M/S/C (AG-B. O'Mallan/GPD-J. Cruz): Move to adjourn meeting of April 28, 2016. Unanimously approved, motion adopted.

There being no further discussions, the meeting adjourned at approximately 10:19 a.m.

Dated this 1st day of July 2016.



Bertha M. Guerrero
Recording Secretary