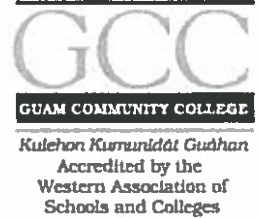




PEACE OFFICER STANDARDS TRAINING COMMISSION
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1 Sesame Street, Mangilao, Guam



P.O.S.T. COMMISSION MEETING MINUTES
Thursday, August 21, 2014

I. Called to order. The P.O.S.T. (“POST”) Commission meeting of August 21, 2014 was called to order at 9:27 a.m., by Mr. Vincent Perez, Vice Chairman, held in the Guam Community College Student Center Training Room 5108 in Mangilao, Guam.

II. Roll Call by Agency/Department.

Member-agencies in attendance were:

Mr. Vincent Perez, Asst. Chief, Customs and Quarantine;
Mr. Dennis Santo Tomas, Executive Director, P.O.S.T., GCC;
Mr. J. Basil O’Mallan, Chief Prosecutor, Office of the Attorney General;
Ms. Therese Terlaje, University of Guam;
Mr. Thomas Masga, Captain, Unified Courts of Guam Judiciary Marshal;
Mr. Michael Reyes, Supervisor, Department of Agriculture;
Mr. Joey Manibusan, Captain Guam Fire Department;
Mr. Francis Flisco, Department of Administration;
Mr. Fred Chargualaf, Police Major, Guam Police Department.

Others in attendance: Lt. Governor of Guam, Ray Tenorio and staff members; Mr. Raymond Perez, Police Capt. and Mr. John P. Aguon, Police Sgt., Guam Police Department; Ms. Liza Camacho, GDOE.

Document(s)/Packet: 6/26/14 Meeting Minutes and 8/21/14 Agenda; Guam P.O.S.T. (Peace Officer Standards and Training) Administrative Rules (DRAFT) August 21, 2014.

III. General Remarks – Lt. Gov. Ray Tenorio and staff were welcomed to today’s meeting and participated in discussions. It was also mentioned that Chief Robert Camacho is on medical leave.

IV. Approval of Minutes from previous meeting.

MOTION

M/S/C (Marshal-T. Masga; AG-J. B. O’Mallan): Move to adopt meeting minutes of June 26, 2014, with corrections. Unanimously approved, motion adopted.

V. Review of P.O.S.T. Public Hearing testimony

1. Discussion/Motion to accept/decline each public testimony. A public hearing regarding the Guam P.O.S.T. Commission Administrative Rules and Physical Fitness Qualification Test Policy

incorporated as one document was held July 29, 2014, 1:00 p.m.-3:00 p.m., at the Guam Community College, Student Center Training Room 5108.

Executive Director Dennis Santo Tomas mentioned that this hearing was well attended and that he received testimonies both written and oral recommendations. He incorporated the testimonies into the verbiage of the draft. A copy of the updated document as of August 21, 2014 was provided to members for review and consideration of said changes. However, at this time a motion was made to go through the updated Administrative Rules section by section rather than adopting the document as a whole.

MOTION

M/S/C (AG-J. B. O'Mallan/Marshal-T. Masga): Move to adopt to vote on each change to the updated P.O.S.T. Commission Administrative Rules section per section, with corrections. Unanimously approved, motion adopted.

It was noted that changes are in bold and italicized. For clarification, AG J. Basil O'Mallan asked if the POST Commission Administrative Rules currently being reviewed during today's 8/21/14 meeting, the same POST Commission Administrative Rules that went through the AAA process. If there are no substantive changes, would it require another AAA process with the added changes from the July 29, 2014 public hearing?

The Vice Chairman and Executive Director confirmed that so long as said changes are not considered substantive changes it would not have to go through the AAA process.

MOTION

M/S/C (AG-J. B. O'Mallan/Marshal-T. Masga): Move to adopt, with corrections, under Section 3002, page 2, subparagraph "b" by adding, "*at a minimum*" after the word "...These forms will include." Unanimously approved, motion adopted.

There was a recommended change submitted via email from Ms. Mariles Benavente, Cultural & Linguistic Coordinator, UOG CEDDERS:

Change the word "mental" to "psychological" in the following motion:

MOTION

M/S/C (AG-J. B. O'Mallan/Marshal-T. Masga): Move to adopt, with corrections, under Section 3002, pages 2-3, subparagraph "d", by deleting the word "mental" and replace with the word "*psychological*" and that all references to "Note" throughout the draft Administrative Rules of August 21, 2014, be removed. Unanimously approved, motion adopted.

There were issues regarding moving Civilian Volunteer Police Reserves (CVPR) from Category 1 to Category 2. One of the issues brought up was that CVPRs were not permanent employees under Section 3006. AG's office conducted some research. More discussions to follow after further research are done.

MOTION

M/S/C (Marshal-T. Masga; AG-J. B. O'Mallan): Move to adopt and table recommended changes to Section 3003, pages 3-4, subparagraphs "a" and "b" until Section 3006 is resolved regarding Civilian Volunteer Reserves. Unanimously approved, motion adopted.

At this time, Lt. Governor Ray Tenorio asked for the POST Commission to allow GPD Capt. Ray Perez to make a presentation before proceeding to the next section.

MOTION

M/S/C (AG-J. B. O'Mallan; Marshal-T. Masga): Move to adopt and allow Guam Police Department Capt. Ray Perez to discuss the Peace Officer categories with a PowerPoint presentation for the POST Commission's consideration to revise the different Peace Officer categories in Section 3003. Unanimously approved, motion adopted.

- Capt. R. Perez noted the statute with regard to enabling requirements for each peace officer such as Customs, Marshals, GPD, Airport, etc.
- For example, one of the Airport's primary issues when things go wrong is aviation safety.
- Capt. Perez was just showing the different examples for some of the agencies and are not necessarily all the agencies.
- Capt. Perez pointed out that by illustrating each agency's enabling law requirements, answers on how to categorize.
- He further explained that since there are already logical categories, that it makes sense to categorize based on each agency's core functions.
- Capt. Perez showed a chart based on the department's/officer's primary functional fields and then into the functional priorities. That the categories are based on statutes.
- He also explained that the categories should be corrected on the onset.
- That this is one way to categorize.
- Capt. Perez then proceeded to show another way to categorize.
- Explained categories are not quite compliant with the statutes.
- Fundamentals needed for each category.
- Attorney General O'Mallan mentioned he has no problems with what has been discussed but would need time to review/study Capt. Perez's presentation and meet with the POST Commission in two (2) weeks.
- Capt. Perez will email his presentation and other info he has researched to date since the public hearing on July 29, 2014.
- There were further discussions with position descriptions that it still falls back to the statutes.
- Capt. Perez stated he is willing to do the work to assist the POST Commission. He asked the Commission what do you feel best serves the peace officer's occupation-how are they going to carry out their duties and responsibilities. What best serves them and in the end will it help the Commission actually give them the right training. That this is what the POST Commission should be focusing on, getting the training.
- Marshal T. Masga gave an example of what the marshals go through, basic training first and then specialized training next.

- Ms. Terlaje asked regarding a column of different training components such as basic, specialized training in certain fields, additional training, etc.
- The Lt. Governor pointed out that this point has not been reached yet because it has taken the POST Commission, about four years to reach where it is today and it would take a much longer and deeper discussion for the additional training. That there should be a standard for training and said he appreciates Capt. Perez's presentation and reiterated the length it has taken the Commission to get where it is today and should complete the POST standards by this fiscal year.
- Capt. Perez agreed in getting this done soon as well.

Further discussions:

- Lt. Governor Ray Tenorio suggested that all should get copies of Capt. Ray Perez's presentation.
- Maybe incorporate recommendations from Capt. Ray Perez.
- Work with Lt. Governor's office to continue to communicate with them and in meeting the timeline in two weeks.

MOTION

M/S/C (AG-J. B. O'Mallan; Marshal-T. Masga): Move to continue meeting of August 21, 2014 until 9:00 a.m., September 4, 2014, Guam Community College campus. Unanimously approved, motion adopted.

Meeting of August 21, 2014 recessed at approximately 10:54 a.m.

POST COMMISSION MEETING MINUTES (Reconvened meeting of August 21, 2014)

At this time, the P.O.S.T. Commission meeting of August 21, 2014 was reconvened on Thursday, September 4, 2014 and called to order by Mr. Vincent Perez, Vice Chairman, at approximately 9:06 a.m., and held in the Guam Community College Student Center Training Room 5108 in Mangilao, Guam.

The following roll call was also made:

Roll Call by Agency/Department.

Mr. Vincent Perez, Asst. Chief, Guam Customs and Quarantine;
 Mr. Dennis Santo Tomas, Executive Director, P.O.S.T., GCC;
 Mr. Fred Bordallo, Chief, Guam Police Department;
 Mr. Monty May, Office of the Attorney General (did not sign but was present);
 Ms. Rose Cruz, Department of Administration;
 Mr. Joey Manibusan, Captain Guam Fire Department;
 Mr. Joe San Agustin, Director, Department of Corrections;
 Mr. Joey Terlaje, Unified Courts of Guam Judiciary Marshal.

Others in attendance (sign in sheet): Lt. Governor Ray Tenorio; Capt. Raymond Perez and Lt. Andrew Quitugua, GPD; Mr. Pedro A. Leon Guerrero, Guam Customs & Quarantine; Mr. Jerry Hinkle, Judiciary; Mr. Francis Flisco, DOA; Ms. Desori Bermudes, Office of the Lt. Governor; Mr. Francis Flisco, DOA; Ms. Liza Garcia, DOE.

The Executive Director made a few opening remarks explaining that this meeting is a continuation of the August 21, 2014 P.O.S.T. ("POST") Commission meeting following the same Agenda and will continue with the proposed POST Commission Administrative Rules with recommended changes from both oral and written testimonies submitted for the July 29, 2014 P.O.S.T. Commission public hearing. Any changes approved will be incorporated into the proposed Administrative Rules for submission to the Guam Legislature.

The Executive Director then referred to page 3 of the proposed Administrative Rules regarding Civilian Volunteer Police Reserves (CVPRs): Recommended changes were from Sgt. John Aguon, GPD, to remove CVPRs from Category 2 because they are not full time/permanent peace officers. Last discussion also involved their service.

Lt. Andrew Quitugua explained that Chief Bordallo requested for him to attend today's meeting to inform the Commission the current role of CVPRs in the Guam Police Department (GPD).

- CVPRs are not Government of Guam employees.
- Just receives stipends, which is not compensation for any hourly wages as employees of GPD.
- Lt. Quitugua further explained that research found that CVPRs are utilized elsewhere in the U.S. to handle programs as employees.
- Should the Commission recommend CVPRs to be categorized as fulltime employees, then that is another issue that would have to be brought before the Guam Legislature changing their status as such.
- GPD's position is to leave the CVPRs in its current role providing volunteer service to GPD.

At this time Capt. Ray Perez was asked to continue his presentation from the August 21, 2014 POST Commission meeting. Lt. Governor Ray Tenorio also thanked Capt. Perez for his research in providing a different version of categorizing peace officers in his presentation.

Capt. Perez then referred to the table of categories from job titles to job specifications per statute, including rank.

- Explained that the reason the table is set up as such is that there are certain requirements for each job.
- Table was also based on jobs meeting certain requirements such as attending a police officer or firefighter academies obtaining technical training for specific jobs.
- Example given: Police officers have to attend an academy and as a firefighter, you are required to have certain requirements, too.
- Each has a technical specialty, job specs for each position.
- Pointed out preventing personnel from going through additional training such as a firefighter attending a police academy and vice versa. That this would be unreasonable to do.
- That certain jobs does not require attending an academy.
- Pointed out though that the only position that does not require an academy certification is a youth service worker. An entry level position, which requires a high school diploma.
- The table listed each position's requirements.

- Capt. Perez mentioned his understanding is that it does not make sense to send individuals to obtain a certification if it does not apply to their job specifications, or to repeat academies.
- Has a list of the department heads that are included in the law. He will send this to POST.
- Findings are that chiefs and department heads by law are required to be certified.
- If this idea works, would have to make modifications to Section 3006.
- Job descriptions were obtained from DOA website.
- Capt. Perez explained that the table reflects by following the original draft, broke it down with the last draft, and put it together with GCC's certificate programs.
- Has some information with apprenticeship program.

There were further discussions with regard to the apprenticeship programs and basic requirements for consideration by the P.O.S.T Commission.

- That although basic requirements are passed there is still additional requirements needed such as report writing, etc.

Mr. P. Leon Guerrero from Guam Customs mentioned that although there are recommendations, the current draft of the Administrative Rules have already gone through the process necessary to arrive at this juncture and should now move forward.

- That it is a living document and even if other recommendations are provided, there is a point to move forward.
- Overall there should be a baseline at this point and just move forward.

Further discussions included issues surrounding basic training and finalizing the standards.

- That Capt. Perez's input are valid and will not be disregarded but the P.O.S.T. Commission should move forward.
- That the public hearing was open to everyone to provide input.
- That the P.O.S.T. Commission has progressed to this point with the final draft and can still be part of future discussions.
- That the current draft is a good draft.

Capt. Perez understands everyone's efforts but still offered recommendations.

The Executive Director pointed out the other changes:

- Under Section 3003 (c), Category 3 Peace Officers: Recommendation from Capt. Ray Perez to remove the CAPE because statute does not define CAPE as peace officers. There were some discussions that CAPE should remain as is.
- Recommendation by Capt Ray Perez to add a Category 4 under Section 3003 but was withdrawn. Capt. Perez clarified that this was not a suggestion for a separate category but more as a standards for peace officers who are appointed or assigned to supervisory, a managerial and executive positions.
- Under Section 3005: The Executive Director recommended that many officers have asked what are the components of the PFQT and provided a brief explanation of it.
- Under Section 3005, subparagraph (f) under Failure and subparagraph (g): Recommendation to put in the words "Guam licensed" before the word "health care provider."

There were some discussions of "Guam licensed" in comparison to off-island doctors. A motion was then made as follows:

MOTION

M/S/C: (Customs-Pedro L.G. / GPD-F. Bordallo): Move to adopt by deleting the words “a medical records review by” under Section 3005, subsection (f) and replaced with “Guam licensed” to now read: *“When a peace officer receives four unsatisfactory PFQT results within a 24-month period and a Guam licensed health care provider has ruled out medical conditions...”* Unanimously approved, motion adopted.

MOTION

M/S/C: (GPD-F. Bordallo/Customs-Pedro L.G.): Move to adopt by striking the words “has had his/her medical records reviewed by a health care provider to rule” under Section 3005, subsection (g) and replaced after the word “a” with “Guam licensed health care provider has ruled” to now read: *“; and a Guam licensed health care provider has ruled out medical conditions precluding the member from achieving a passing score.”* Unanimously approved, motion adopted.

There was a recommendation for consistency purposes and subject to the Attorney General review to change the word “member” with the word “peace officer” in certain sections, as follows:

MOTION

M/S/C: (Customs-Pedro L.G./GFD-Joey Manibusan): Move to adopt replacing the word “member” wherever appropriate with the word “Peace Officer” throughout the draft of the P.O.S.T. Commission Administrative Rules in sections pertaining to the PFQT. Unanimously approved, motion adopted.

Under Section 3006, the first paragraph and sixth line: A recommendation was made to replace the words “employment” to “service” and “employed” to “serving.” A motion was then made as follows:

MOTION

M/S/C: (Customs-Pedro L.G./GFD-Joey Manibusan): Move to adopt under Section 3006, line 6 of first paragraph by deleting the words “employment” and replacing with the word “service” and deleting the word “employed” and replaced with the word “serving” and to now read: *...Administrative Rules and Regulations as a condition of employment or as a condition of continued service in any peace officer position. Any person who has been serving on a permanent basis....”* Unanimously approved, motion adopted.

The Executive Director mentioned further the following recommendations from the P.O.S.T. Commission public hearing on July 29, 2014:

- Under Section 3006: Recommendation by Capt. Perez concerning providing formal instruction for performance based skills such as SKAs (Skills/Knowledge/Abilities, SLOs (Student Learning Objectives, etc.). Capt. Perez mentioned he withdraws for now, however, check typo for numbering for all subparagraphs (a), (b) and (c).
- Under Section 3006: Recommended by Sgt. John Aguon to include Emergency Vehicle Operators Course (EVOC) and Criminal Investigation as part of the mandatory training.
- Other concerns brought up were support for those that do not pass.

-Possibly having the Guam Homeland Security assist in supporting agencies by bringing a trainer on island for certain trainings.

Further discussions included the following:

- Look into the Health Insurance Portability and Accountability Act (HIPAA) requirement.
- Discussions also were brought up regarding health coordinators, support for agencies, including mandates to encourage a person to move forward.
- There were discussions that this could be difficult because it is a very complex matter concerning HIPAA. However, may recommend participating in a health and wellness program.

- The Lt. Governor asked the Commission if there were discussions during the previous meeting about another AAA process should there be any substantive changes to the current draft of the P.O.S.T. Commission Administrative Rules.
- The Commission confirmed that this was discussed.
- The Lt. Governor then asked the Commission if changes made after the July 29, 2014 P.O.S.T. Commission public hearing to the current draft of the P.O.S.T. Commission Administrative Rules considered substantive changes.
- The members were in agreement that recommended changes made after the July 29, 2014 P.O.S.T. Commission public hearing were not considered substantive changes.

At this time, the Lt. Governor commended and thanked the P.O.S.T. Commission Chairman Chief Bob Camacho, Vice Chairman Major Vincent Perez, Executive Director Dennis Santo Tomas and all the agency members for the work they put into the draft. Capt. Ray Perez was also thanked for his research, input and presentation. Although, he had recommendations, they were so noted by the body, which will proceed with its draft as already incorporated. The Lt. Governor further commended all personnel from the different agencies for their additional input and the support of the Lt. Governor's office.

In addition, at this time, the Lt. Governor wished Chief Bob Camacho well in his recovery from medical leave. That he has been a great leader in moving forward with the final draft of the P.O.S.T. Commission Administrative Rules and knows Chief Camacho will continue to successfully lead the Commission upon his return.

MOTION

M/S/C: (Customs-Pedro L.G./ GPD-Capt. Joey Manibusan): Move to approve and adopt the draft Guam P.O.S.T. Administrative Rules, with changes, and that the Attorney General make a legal review for technical corrections, grammatical errors and changes to be made accordingly. Unanimously approved, motion adopted.

For voting purposes following roll call was made:

1. Guam Customs & Quarantine, approved.
2. Guam Police Department, approved.
3. Guam Marshals, Judiciary, approved
4. Department of Corrections, approved.
5. Guam Fire Department, approved.
6. Department of Administration, approved.
7. Mr. Monty May, Assistant Attorney General, declined at this time, and only as an advisor.

-The P.O.S.T. Commission Executive Director will type the final draft for legal review by the Attorney General's office.

-Vice Chairman Vincent Perez requested that agency heads submit their letter of support to the P.O.S.T. Commission to be made part of the packet for submission to the Guam Legislature.

VI. P.O.S.T. Administrative Rules submission Timeline *(Not finalized.)*

VII. Group Photo of P.O.S.T. Commission *(Not discussed.)*

IX. Next Meeting Scheduled-9AM, Thursday, September 25, 2014.

The following was announced: DOC and Guam Marshal will be hosting an instructor certification training in different subjects, September 11-24, 2014. Instructor is from the mainland for a train-the-trainer. Costs are associated with workshops and will be emailed to all agencies. At least five (5) per agency may attend. Venue at Guam Courthouse, Yona Gymnasium, Army Reserve facilities.

X. Adjournment.

MOTION


M/S/C (DOC-J. San Agustin/DOA-Rose Cruz): Move to adjourn meeting of August 21, 2014. Unanimously approved, motion adopted.

There being no further discussions, the meeting adjourned at approximately 10:05 a.m., September 4, 2014.


SUBMITTED BY:


Bertha M. Guerrero
Recording Secretary

ATTESTED BY:


Dennis Sarto Tomas
Executive Director
P.O.S.T. Commission

APPROVED BY:


Vincent Perez
Vice Chairman
P.O.S.T. Commission