



**GUAM PEACE OFFICER STANDARDS
& TRAINING COMMISSION (POST)**

(671) 735-5638 | P.O. Box 23069 GMF,
Barrigada, Guam 96921



**P.O.S.T. COMMISSION MEETING MINUTES
Thursday, September 26, 2019**

I. Called to Order. The P.O.S.T. (“POST”) Commission meeting of September 26, 2019, meeting was called to order at 9:00 a.m. by Mr. Robert “Bob” Camacho, POST Commission Executive Director, was held in Room 112 in the Learning Resource Center (Library) in Mangilao, Guam. Major Manuel R. Chong, the Acting GPD Chief was in attendance and representing the POST Chairman, GPD Chief Stephen Ignacio who is currently off-island.

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, Guam Attorney General’s Office, Guam Customs & Quarantine Agency, Department of Corrections, Div. of Aquatic & Wildlife Resources-Guam Dept. of Agriculture, GFD, Unified Courts of Guam-Probation, Department of Youth Affairs.

Documents Received. Document(s)/Packet: September 26, 2019 Agenda; July 25, 2019 P.O.S.T. Minutes; Guam POST Certification Application (updated form); PFQT Implementation Information sheet; 35th Guam Legislature Bill No. 170-35, “AN ACT TO AMEND § 3114 OF CHAPTER 3, TITLE 27, GUAM ADMINISTRATIVE RULES AND REGULATIONS AND TO ADD § 51102.30 OF CHAPTER 51, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO GRANTING ADMINISTRATIVE ADJUDICATION AUTHORITY TO THE GUAM PEACE OFFICER STANDARDS AND TRAINING (P.O.S.T.) COMMISSION.”

II. Review and Approval of the Minutes of July 25, 2019.

MOTION

M/S/C: (Airport/Customs): Motion was made to approve the Guam P.O.S.T. Commission Meeting Minutes of Thursday, July 25, 2019, with corrections. Unanimously approved, motion adopted.

III. Chairman Remarks. *No remarks at this time.*

IV. Interim Executive Director Remarks. *No remarks at this time.*

V. New Business.

a. POST Vice Chair Vacancy. -The Executive Director informed the Commission there is currently a vacancy for the Guam POST Commission Vice Chair due to the resignation of DOC Deputy Director Joey Terlaje.

At this time, due to said vacancy, the Department of Youth Affairs Director, Ms. Melanie Brennan, was nominated for this position and the following motion was made:

MOTION

M/S/C: (Airport/GPD): Motion was made to nominate and elect Ms. Melanie Brennan, the Director for the Guam Department of Youth Affairs, as the Vice Chair for the Guam P.O.S.T. Commission. Unanimously approved, motion adopted.

b. Certifications Updates. The Executive Director informed the Commission that updated POST Certification applications are being submitted and processed.

-To date, the Attorney General's Office, Airport Police, DYA and the Guam Fire Department have submitted their applications.

-Still awaiting other agencies to submit their forms for certification and asked those agencies to please submit applications as soon as possible.

-Old forms that have been completed will be accepted, although the POST Certification Application form has been updated.

-The Executive Director also asked agencies to submit a list of officers who currently have not been certified.

-Information of those certified and pending certification will be compiled for a POST Commission annual report for record purposes and any other issues/concerns members wish to add to the Annual Report.

-At this time a recommendation was made to the current updated POST Certification Application form, which has been uploaded on the GCC POST Commission website, along with the "P.O.S.T. CERTIFICATION PROCEDURAL PROCESS" sheet of frequently asked questions (FAQ'S) to help clarify the P.O.S.T. Certification process.

-To modify and place a "bold bar or line" before the applicant's signature to separate it from the box for "Category 2 and 3 Peace Officers."

c. PFQT Law Implementation. The Executive Director presented a PFQT Implementation information sheet.

-This contains information regarding the PFQT implementation to be in full compliant by January 2020 and disciplinary actions can also begin 2020.

-That it is important to follow the law that each agency provided for the PFQT.

-This also includes the Physical Fitness Program and the Health & Nutrition Program.

Customs mentioned there is a petition within the law enforcement community to request senators to include the physical fitness for those who have been certified as "grandfathered" with the educational requirements.

- Understands this and there is research he has done online for physical fitness programs for law enforcement in different counties.
- The benefit is that should the individual participate in the PFQT annually, they are given an incentive if they successfully complete their PFQT.
- With the current law, this has negatively impacted the capability of officers in providing service to the public because if you lose certification, an officer will be unable to do law enforcement work.
- From another perspective, being positive and amend the law and have an incentive for those who have successfully completed their PFQT.
- The benefit can be in the form of a merit increase, a 10% bonus for the month, etc., so it does not have an impact for those who are “grandfathered.”

GPD mentioned that whatever type of incentives are provided, it might not matter because individuals still get physical waivers but are still performing their duties as police officers.

- Said there needs to be a way around this to suggest reclassifying those individuals who habitually obtain physical waivers.
- Would prefer to then re-open the positions and hire individuals who are willing to perform the duties of a Police Officer and not circumvent the process.
- GPD has implemented POPAT as part of its physical fitness program and are good with its PFQT.
- GPD also mentioned that some agencies are utilizing GPD’s obstacle course as guests for their physical training and GPD will be requesting employees to sign a simple waiver.

There were discussions with regards to what agencies are currently working on with regards to its PFQT.

The Executive Director reiterated for agencies to be prepared and be in compliant per each agency’s submission of its PFQT, Health & Nutrition and Physical Fitness programs in December 2018.

d. Bill 170-35 POST Administrative Adjudication Authority. The Executive Director informed the Commission this is a Bill that was introduced before the Guam Legislature to give the Guam P.O.S.T. Commission Administrative Adjudication Authority.

- When this is before a public hearing, support would be required for members to attend and provide testimony in support of this Bill.
- The Executive Director mentioned he is in favor of this Bill and feels the members are also in support.
- This can assist officers when the Commission decides there are changes that need to be made without having to go before the Guam Legislature each time.

There were further discussions regarding profilers. Airport informed the Commission that there was an individual with a legitimate profile and their HR placed this person as not fit for duty and is marked as failing.

- Request for clarification from the Commission for the Airport HR to be informed that there are at least four (4) attempts before a fail.
- That Airport HR is misinterpreting the law also with regards to employees who are promoting and required to take another psychological evaluation.
- Believes that the psychological evaluation is only done when a person is first hired, not to redo another evaluation when promoted.
- There were further discussions and was mentioned that an individual has to take the test in order to be declared a fail.

-The Executive Director will review the law again for clarification for the next meeting as to maintaining standards as a Peace Officer and give members an opportunity to provide input.

e. In Service Training - Copy of training syllabus and standards. The Executive Director informed the Commission that the law does indicate in-service training especially for Peace Officers under Category 2 and Category 3.

-The Exec. Dir. is requesting a copy from agencies of their in-service training program.

-This copy should consist of what each agency considers its in-service training such as the syllabus.

-This needs to be made part of the POST Commission records for its Annual Report.

-Requesting to at least provide this by the end of October 2019 for the Exec.Dir.'s Annual Report.

f. Previous POST Certification Denials - Revisit those applications. The Executive Director informed the Commission that there were POST Certification applications that were previously denied and again reviewed, then approved. Asked to pass information to others, should Commission members know of individuals that were denied to please refer them for another POST Certification review.

g. Supervisor, Management, Executive Training - Submit your programs.

The Executive Director informed the Commission that part of the law requirement is a Supervisor, Management, and Executive training.

Relying on each agency to provide this. Explained that GFD and the Airport Police have these.

In order to be in compliant, agencies need to implement these programs and be recorded.

That it is critical for these trainings to be implemented and law enforcement leaders trained for areas such as grievance process, ethics and professionalism, etc.

The Executive Director offered to assist agencies, should they need help with this.

Asked agencies that already have this program in place, to maybe share with other agencies to mirror it and modify to apply each agency's needs.

That there are online law enforcement training such as the PoliceOne Academy, the National Institute of Corrections, Probation and Parole, etc.

The Executive Director mentioned that the Guam DOA trainings are acceptable.

Suggested a letter/memo be in place indicating that said agency is in line with the DOA trainings.

There was a recommendation to develop one standard across the board for these trainings for all to be considered a "standardized" training, at least at a minimum.

Another recommendation is to have at least a baseline. As an example, utilizing the DOA trainings that can be the standard. Creating a simple standard as DOA does not charge for this. To have at least a minimum standard and with the option for agencies to add any other trainings.

The Executive Director is available to assist if needed and will also look into this.

The Exec.Dir. also recommended that part of the program should include a provision as to what the ramifications are should a Supervisor, Management or Executive not comply.

At this time, the Executive Director mentioned he met with Mr. Chris Anderson at DOA regarding qualification for SROs.

That SROs have gone through the Marshal's training and SROs will be requesting to be recognized as Peace Officers.

The SROs will be meeting with the Legislative Committee Chair regarding Peace Officers.

Customs suggests to revisit who are currently listed as law enforcement Peace Officers and to include and exclude to the list, if needed.

At this time, for information purposes, Lt. Torre from GPD informed the Commission he had a brief discussion with Mr. Chris Anderson.

-SROs are under the banner of Judiciary and are deputized by the Courts to deal with the kids.

-They want to be recognized as a separate body independent from the Judiciary and listed as Category 2 Peace Officers.

-Lt. Torre suggested that the SROs seek assistance from the POST Commission to get the Commission's recommendation and to also seek the assistance of one of the lawmakers to push this through as far as changing the law.

-The Exec.Dir. also provided a copy of the law with regards to ARFF being added as a member of the POST Commission and to utilize this as a template.

h. POST Annual Report - Closing off certifications by November. As previously mentioned, the Executive Director requested for agencies to submit this before the end of October 2019 as far as issues that seem as challenges for agencies such as what was mentioned earlier with regards to "grandfathering" officers, etc.

VI. Next Scheduled Meeting. October 24, 2019 (subject to change)

VII. Announcements/Discussion. The Guam American Cancer Society in observance of October as "Breast Cancer Awareness" month, reached out to the Executive Director to coordinate a law enforcement "Boot Drive." The Exec. Director asked for the Commission's support and he will designate different areas for the Drive. He is also in communication with the Governor's Office. The Commission will support the Drive and scheduled this on October 11, 2019.

The Executive Director will also follow up on concerns brought before the Commission today, especially the concerns from the Airport Police Chief, Vince Naputi.

The Airport Police Chief brought up another concern. He is communicating with Mr. Pete Roberto, the Chair for GCC's Criminal Justice Academy program.

-The Airport Police mentioned that although the Police Division has 80 employees, 36 are Police Officers and the remainder are Guards.

-The Airport is interested in forming an Academy but require at least 13 total attending.

- Another agency can join in that have positions open.
- It will help the Airport cut down on costs by having another agency providing instructors but the Airport will be the one to pay GCC to conduct the academy.
- Anticipate the academy to run for six months.
- This will be a basic law enforcement academy.
- This has been done in the past and was successful, however, funding is an issue and meeting the minimum of 13 students.

Information was given that the budget law allows for individuals to be hired as LTAs to include law enforcement.

The Executive Director mentioned that in this case, individuals can be given temporary POST Certification.

Agency would have to work with DOA, especially for those on military orders for a long period of time.

GPD mentioned that DOA does not consider GPD Reserves as Government of Guam employees and therefore cannot be hired as LTAs. They would have to submit an application and go through the testing process. This is something to consider in changing the law as far as GPD reservists.

VIII. Adjournment

MOTION

M/S/C: (GPD/Airport): A motion was made to adjourn the meeting of September 26, 2019. Unanimously approved.

There being no further discussion, the meeting was adjourned at approximately 10:03 a.m.

Dated this 21st day of November 2019.

/s/

Bertha M. Guerrero
Recording Secretary