



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

2010 DEC 17 PM 4:04

DEC 14 2010

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 271-30 (LS) "AN ACT TO REPEAL §77108, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, "AUTHORITY TO HIRE ATTORNEY"; AND TO REPEAL §3104, CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING PROVISIONS FOR THE ATTORNEY GENERAL TO PROVIDE LEGAL SERVICES TO THE GUAM POLICE DEPARTMENT, AND RELATIVE TO THE POSITION OF FIRE CHIEF AND CHIEF OF POLICE, AND FOR OTHER PURPOSES", which was enacted into law without the Governor's signature. The legislation is now designated as Public Law No. 30-202.

Sinsëru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guahan
Governor of Guahan

Attachment: copy of Bill

Handwritten notes and signature: 10/27/10 2:45

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 271-30 (LS), "AN ACT TO REPEAL §77108, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, "AUTHORITY TO HIRE ATTORNEY"; AND TO REPEAL §3104, CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING PROVISIONS FOR THE ATTORNEY GENERAL TO PROVIDE LEGAL SERVICES TO THE GUAM POLICE DEPARTMENT, AND RELATIVE TO THE POSITIONS OF FIRE CHIEF AND CHIEF OF POLICE, AND FOR OTHER PURPOSES" returned without approval of *I Maga'lahaen Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 30th day of November, 2010, to pass said bill notwithstanding the veto of *I Maga'lahaen Guåhan* by a vote of fourteen (14) Members.

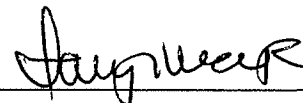


Judith T. Won Pat, Ed. D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 1st day of Dec,
2010, at 1100 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

I MINA'TRENTA NA LIHESLATURAN GUAHAN
2009 (FIRST) Regular Session

Bill No. 271-30 (LS)

As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.

Judith P. Guthertz, DPA

T. C. Ada

V. Anthony Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

T. R. Muña Barnes

v. c. pangelinan

R. J. Respicio

Telo Taitague

Ray Tenorio

Judith T. Won Pat, Ed.D.

AN ACT TO REPEAL §77108, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, "AUTHORITY TO HIRE ATTORNEY"; AND TO REPEAL §3104, CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING PROVISIONS FOR THE ATTORNEY GENERAL TO PROVIDE LEGAL SERVICES TO THE GUAM POLICE DEPARTMENT, AND RELATIVE TO THE POSITIONS OF FIRE CHIEF AND CHIEF OF POLICE, AND FOR OTHER PURPOSES.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** The Guam Police

3 Department (GPD) FY 2010 budget submittal and testimonies provided during

1 the FY 2010 budget hearings provided no record or information in reference to
2 the workload output of the in-house legal counsel (GPD Legal Section) for the
3 preceding three (3) years, although such information were included/provided
4 for the other divisions/units within the Guam Police Department. Despite the
5 actual request for such information that was made during the public hearing,
6 such information is yet to be received by the Legislature. Absent information
7 on the workload output, coupled with information received from some police
8 officers regarding the difficulty in communicating with the in-house attorney,
9 appear to indicate the under utilization of the in-house attorney.

10 During the FY 2010 budget hearing for the Office of the Attorney
11 General, the Attorney General requested for additional attorneys to cope with
12 the continuing rise in the workload of attorneys currently on board. Not all the
13 new attorneys requested by the Attorney General were approved. Moreover,
14 the approved budget act contains provisions that mandate the Office of the
15 Attorney General to provide legal assistance to the Department of Mental
16 Health and Substance Abuse and to the landfill issue.

17 *I Liheslaturan Guåhan* finds that funds appropriated to the Guam Police
18 Department for an in-house attorney can best be utilized if such funds are
19 transferred to the Office of the Attorney General, to maximize the services of
20 the attorney, through supervision, guidance and support of the Attorney
21 General. *I Liheslaturan Guåhan* further finds that legal services for the Guam
22 Police Department will *not* be diminished or compromised by this arrangement.

23 It is, therefore, the intent of *I Liheslaturan Guåhan* to repeal §77108,
24 Chapter 77, Title 10, Guam Code Annotated (“Authority to Hire Attorney”), to
25 establish provisions for the Attorney General to provide legal services to the
26 Guam Police Department.

1 **Section 2.** §77108, Chapter 77, Title 10, Guam Code Annotated, is
2 hereby *repealed* in its entirety.

3 **Section 3. Funds Transfer.** The funds appropriated in Public Law 30-
4 55 (Budget Act) to the Guam Police Department that also funded the salary and
5 benefits of the current position of in-house attorney or police legal advisor *shall*
6 be transferred to the Office of the Attorney General, including any incumbent of
7 the position.

8 **Section 4. Attorney General to Provide Legal Services.**
9 Notwithstanding any other law, rule or regulation the Attorney General *shall*
10 designate *at least* one (1) of its attorneys to assist and represent the Guam
11 Police Department in all civil matters. The Attorney General, or his or her
12 designee, *shall* represent the Guam Police Department (GPD) in administrative
13 hearings or civil litigation in which the Department is interested, and also
14 provide legal advice and guidance to GPD, as well as provide consultation to
15 GPD on training and other police-related matters.

16 **Section 5. Effective Date.** The provisions set forth in this Act *shall*
17 become effective within thirty (30) days after enactment. The Guam Police
18 Department, the Office of the Attorney General, the Department of
19 Administration, and/or the Bureau of Budget and Management Research
20 (BBMR) upon the enactment of this Act *shall* commence preparation for the
21 transfer of the funds and staff. Such transfer *shall* be completed within thirty
22 (30) days after enactment.

23 **Section 6.** §3104 of Chapter 3, Title 5, Guam Code Annotated, is
24 hereby *repealed*.

Overridden

I MINA' TRENTA NA LIHESLATURAN GUAHAN

2010 (SECOND) Regular Session

Date: 11/30/10

VOTING SHEET

Vetoed

Bill No. 271-30(LS)

Resolution No. _____

Question: Notwithstanding the objections of the Governor, should Vetoed Bill No. 271(LS) be overridden?-

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.					EA
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

14 _____ _____ _____ 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 7/2/10

VOTING SHEET

Bill No. 271-30(LS)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

15

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



**Thirtieth
Guam Legislature**

**Committee on Public Safety,
Law Enforcement &
Senior Citizens
Members:**

**Senator Adolpho B. Palacios, Sr.
Chairman**

**Senator Ray Tenorio
Vice Chairman**

**Speaker Judith T. Won Pat
Member**

**Senator Thomas C. Ada
Member**

**Senator Frank B. Aguon, Jr.
Member**

**Senator Matt Rector
Member**

**Senator Edward J.B. Calvo
Member**

**Senator James V. Espaldon
Member**

**Other Committee
Chairmanship/Membership:**

- **Chairman, Committee on Labor, the Public Structure, Public Libraries & Technology**
- **Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary**
- **Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs**
- **Member, Committee on Rules**
- **Member, Committee on Education**

**COMMITTEE ON PUBLIC SAFETY,
LAW ENFORCEMENT & SENIOR CITIZENS**

I Mina'Trenta na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

May 27, 2010

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trenta na Liheslaturan Guahan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report – Bill No. 271-30 (LS)

Dear Speaker Won Pat:

The Committee on Public Safety, Law Enforcement & Senior Citizens, to which was referred Bill No. 271-30 (LS) – “AN ACT TO REPEAL §77108, CHAPTER 77, TITLE 10 GUAM CODE ANNOTATED, “AUTHORITY TO HIRE ATTORNEY”; AND TO ESTABLISH PROVISIONS FOR THE ATTORNEY GENERAL TO PROVIDE LEGAL SERVICES TO THE GUAM POLICE DEPARTMENT, ” hereby reports out with the recommendation TO REPORT OUT ONLY.

Committee votes are as follows:

• Chairman, Committee on Labor, the Public Structure, Public Libraries & Technology	<u>2</u>	TO PASS
• Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary	<u>0</u>	NOT TO PASS
• Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs	<u>3</u>	TO REPORT OUT ONLY
• Member, Committee on Rules	<u>0</u>	ABSTAIN
• Member, Committee on Education	<u>0</u>	INACTIVE FILE

Sincerely,

ADOLPHO B. PALACIOS, SR., MPA, BS/CJA
Chairperson

2010 JUN 22 AM 9:05
GMA



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

**COMMITTEE
REPORT
ON**

**BILL NO. 271-30 (LS)
by Senator Adolpho B. Palacios, Sr.**

**AN ACT TO REPEAL §77108, CHAPTER 77,
TITLE 10 GUAM CODE ANNOTATED,
"AUTHORITY TO HIRE ATTORNEY"; AND
TO ESTABLISH PROVISIONS FOR THE
ATTORNEY GENERAL TO PROVIDE LEGAL
SERVICES TO THE GUAM POLICE
DEPARTMENT.**



Thirtieth
Guam Legislature

**COMMITTEE ON PUBLIC SAFETY,
LAW ENFORCEMENT & SENIOR CITIZENS**

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman
Office of the Speaker

Judith T. Won Pat, Ed. D.

May 26, 2010

Date _____
Time _____
Received by _____
5/27/10

MEMORANDUM

- Committee on Public Safety,
Law Enforcement &
Senior Citizens
Members:**
- Senator Adolpho B. Palacios, Sr.
Chairman
 - Senator Ray Tenorio
Vice Chairman
 - Speaker Judith T. Won Pat
Member
 - Senator Thomas C. Ada
Member
 - Senator Frank B. Agvon, Jr.
Member
 - Senator Matt Rector
Member
 - Senator Edward J.B. Calvo
Member
 - Senator James V. Espaldon
Member

TO: ALL MEMBERS
Committee on Public Safety, Law Enforcement, & Senior Citizens

FROM: Senator Adolpho B. Palacios, Sr.
Committee Chairman *[Signature]*

SUBJECT: Committee Report on Bill No. 271-30 (LS).

Transmitted herewith for your consideration is the Committee Report on Bill No. 271-30 (LS) – "AN ACT TO REPEAL §77108, CHAPTER 77, TITLE 10 GUAM CODE ANNOTATED, "AUTHORITY TO HIRE ATTORNEY"; AND TO ESTABLISH PROVISIONS FOR THE ATTORNEY GENERAL TO PROVIDE LEGAL SERVICES TO THE GUAM POLICE DEPARTMENT." sponsored by Senator Adolpho B. Palacios, Sr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 271-30 (LS) as introduced
- Public Hearing Sign-in Sheets
- Copies of testimony submitted and supporting documents
- Copy of COR Referral of Bill No. 271-30 (LS)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous related documents

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact this office.

Si Yu'os ma'åse!

- Other Committee
Chairmanship/Membership:**
- Chairman, Committee on Labor, the Public Structure, Public Libraries & Technology
 - Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary
 - Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs
 - Member, Committee on Rules
 - Member, Committee on Education



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

VOTING SHEET ON:

Bill No. 271-30 (LS): "AN ACT TO REPEAL §77108, CHAPTER 77, TITLE 10 GUAM CODE ANNOTATED, "AUTHORITY TO HIRE ATTORNEY"; AND TO ESTABLISH PROVISIONS FOR THE ATTORNEY GENERAL TO PROVIDE LEGAL SERVICES TO THE GUAM POLICE DEPARTMENT."

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman						
Ray Tenorio Vice Chairman				✓		
Speaker Judith T. Won Pat Member				✓		
Thomas C. Ada Member						
Frank B. Aguon, Jr. Member						
Edward J.B. Calvo Member						
James V. Espaldon Member				✓		



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on Public Safety, Law Enforcement, & Senior Citizens convened a public hearing on November 23, 2009 at 12:25pm in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of **Bill No. 271-30 (LS) – “An act to repeal §77108, Chapter 77, Title 10 Guam Code Annotated, "authority to hire attorney"; and to establish provisions for the Attorney General to provide legal services to the Guam Police Department,”** sponsored by Senator Adolpho B. Palacios, Sr.

Public Hearing Requirements

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on November 13, 2009 (5-day Notice) and on November 18, 2009 (48-Hour notice) pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature's website.

Senators Present

Senator Adolpho B. Palacios, Sr., Chairman

Individual(s) Registered for oral or written testimony:

1. Dr. Ron McNinch, UOG Professor, Neither In Support/Opposition, Oral Testimony (*Not present to testify*)
2. Mr. Andrew Park, Resident, In Opposition, No Testimony
3. Attorney Phil Tydingco, Office of the Attorney General, In Support, Oral Testimony
4. Mr. Patrick Heinz, Resident, In Opposition, Oral Testimony
5. Mr. Will Windham, Resident, In Opposition, No Testimony
6. Mr. James Mitchell, GPD Legal Counsel, In Opposition, Oral & Written Testimony
7. Mr. Paul Suba, Chief of GPD, In Opposition, Oral & Written Testimony
8. Mr. Bert Umpingco, Resident/Mr. Tourism, In Opposition, Oral & Written Testimony (*Not present to testify*)
9. Mr. Frank T. Ishizaki, Former Senator of Guam, In Opposition, Oral Testimony

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. called the Committee on Public Safety, Law Enforcement, and Senior Citizens to order at 12:26pm, he then welcomed everyone present for the hearing. Chairman Palacios, author of the bill, gave a brief presentation. He stated that this bill would transfer the legal counsel of GPD to the Office of the Attorney General. The Attorney General will support the Guam Police Department with legal services. The Chairman then called those who are present to testify.

Mr. Phil Tydingco, Deputy Attorney General, In Support, Oral Testimony.

Mr. Tydingco stated, "I am here to testify that the AG's office is in support of the bill. In effect, this will result in the transfer of the salary/personnel to our office and that we are mandated to provide legal services to GPD. I am sure that this is not a welcomed bill by the management of GPD, but we have always been here to provide services. I have mixed feelings having served as legal counsel of GPD in the past. As an agency responsible for providing legal policy for the government of Guam, we would be remised if we were not interested or accept the transfer and funding considering the shortage we are experiencing. The AG has received mixed messages from GPD in the past. It has been mandated that GPD has legal counsel but because we received mixed messages that they want the AG to handle some civil cases, this is not clear. Mr. Mitchell approached Ms. Limtiaco to represent him on some cases. However, the Attorney General has requested from GPD the legal representation. We need to know which is it, either case by case or for all cases to represent. We have a lot of work, but today you need to make a decision on these issues because you are talking two sides of your mouth.

Mr. Patrick Heinz, Resident, In Opposition, Oral Testimony.

I would like to oppose this bill and as a CAPE volunteer I have worked within GPD on various issues. In my brief time with GPD, I have seen Mr. James Mitchell do things that would otherwise be difficult if he was at the Attorney General's Office. I don't believe that assigning him to the Attorney General's office will help. I have seen many shoplifting cases not being tried. If Mr. Mitchell is transferred, GPD will undoubtedly lose a service to the department.

Mr. James Mitchell, GPD Legal Counsel, In Opposition, Oral & Written Testimony

"First off, I'd like to address some of the issues that Mr. Tydingco brings up. I am not aware of some of the conversations that he is talking about. The first discussion that we had with Mr. Tydingco and Mr. Quan came up with the issue of subpoenas. Mr. Tydingco felt that he didn't have the standing to represent GPD. He discussed this with the Chief of Police, and the Chief decided that I could handle the issue of subpoenas. The general appointment that I received, I raised the issue with the Attorney General, but we never discussed this and there was no agreement. I haven't had a conversation with Mr. Tydingco or with the Attorney General with regards to representation.

I'd like to start off by stating that I have represented government of Guam agencies for about 13 years and I have saved the government thousands of dollars. There have been recent accounts by news media about legal representation, but we have never failed in Civil Service Commission. I am not apologetic about my salary. But because you have made an issue of it, my salary is the function of longevity and this should not be the basis for the bill. Up until now, this is the first time that my professionalism is questioned and I feel that I am being personally attacked.

Bill 271-30 is fatally flawed because it complains that the legislature has not received the work out from my office."

Chairman Palacios stated that in the submission of GPD's budget, everyone has to show work output. This is a performance report and an accounting of the work that you did for the department. For you to say that it is not quantifiable, does not say that this is proper equity. GPD is the only one that stood out. Where is the work output? I specifically requested for this in the budgetary items that up until now has not been submitted. I am not convinced of the workload output and that it cannot be quantified because it is noted in the budget. For \$90,000 a year, we need to know what you do. You are actually telling this legislature that you will not submit anything on the qualifications of the work output.

Mr. Mitchell responded "I gave you a written narrative on any given day and I document it. I make this representative of what I do on a day to day basis. I looked at my hard drive and found that over the past four years, I created over 500,000 documents. Some of them are general letters and others required researched legal counsel that was technical. Bill 271-30 states that officers have a difficult time finding me this is inaccurate and false. I have a schedule. I put out in the newsletter my cell phone so that any officer can contact me. When I leave, my secretary always knows where I am at. From these above complaints, it is not correct to make these claims and no facts to support them. You also state that Bill 271-30 would best be utilized at the Attorney General's Office. Also, Bill 271-30 finds that the legal services may not be compromised by this transfer. I have some anecdotes and this is no way a criticism.

On Aug. 6th, 2009 in a Civil Service Case, I needed a legal opinion from the Attorney General's Office and I stated that this was urgent. Today, I have no opinion. Title 5 §30108 under the Defense of Judge, what this does is when a government employee is sued, the Attorney General can represent them. If the employer is acting on good faith, the Governor can authorize the use of the Attorney General's Office for legal representation. On August 26th an officer was sued. He requested that the Attorney General represent him and the Attorney General must investigate it and then the Governor must sign off on it. To date, the Attorney General has not answered the question. In the interim, even though I have not been appointed, I have guided this officer with legal matters and pointers and he is doing well during his trial representing himself. When we seek the assistance of the Attorney General's office, we get nothing."

Mr. Mitchell then read some of his experiences when he asked the Attorney General for help. He read this to show how difficult it was for people to obtain legal opinion. He also stated that he has been at the Attorney General's office, but if you transfer this position out of GPD, it will diminish the quality of service GPD will receive.

Chairman Palacios then asked, "What did you do for the Police Officer? How many attempts did you try to contact the Attorney General's Office? Have you checked with the Attorney General personally? I assure you Mr. Mitchell that the many things that you do for GPD will not be diminished. For over 20 years, I have been with the department without an in-house

legal counsel. I can have access to my legal counsel with the Attorney General and these services will not be diminished.

Mr. Mitchell responded, "I did not follow up and instead I wrote an extensive brief for him and showed him how to represent himself. As Mr. Heinz has pointed out, you don't know when you will receive a call. Have you ever tried to call the Attorney General's office and see if you get through? When the Attorney General's office issued the opinion, I have tried to get this opinion and left a message and I never received this opinion. Two people can look at a thing and see it differently. In the case of the appeal, we were able to get this overturned. From the Attorney General's perspective, GPD did something wrong and decided not to defend GPD. However, there is sometimes a conflict with what the Attorney General does with what legal counsel did for GPD.

Mr. Mitchell then stated that he has no personal issue with this bill, but GPD will digress if the transfer is made. Speaking personally about the issue, he looks at the findings which are not supported with factual information.

Chairman Palacios stated that it is common sense that the Attorney General's office will benefit from the transfer. The bottom line of this issue is that GPD was admonished by the judge.

Mr. Paul Suba, Chief of GPD, In Opposition, Oral & Written Testimony.

My testimony is not here to play tug of war between any lawyers and I oppose this bill in its entirety. Mr. Suba read directly from his testimony. He stated that Mr. Mitchell has provided an incredible amount of assistance and requested that Senator Palacios pull this bill. Considering that there are requests for lawyers in Ethics panels and also in other departments. Why are we pulling from our department?

Chairman Palacios stated that of course we are faced with the challenges of finding more money and more lawyers. Bill 271 is asking how we can best utilize this funding source and to assist the Attorney General. Perhaps transferring legal counsel from GPD will best utilize the funding. He then asked Attorney Tydingco what is your experience with GPD's legal representation when you were its legal counsel? Based on your experience what is your opinion?

Attorney Tydingco stated, "I know that this is not intended to bash us but it feels like it. I want to get this video tape to follow up with some of the complaints and why it is important for GPD to respond to some of our questions. In the past, I have served 4 or 5 Chief of Police as legal counsel. Historically, we have to look at the past when our budgets were at \$27 million dollars. Times are different today, but we hope to get back to those days soon. It is important to note that we did not seek this bill, but someone asked us would this be good and we would be remised if we didn't say that this would not be the case. I think that it is odd that we would have to subpoena officers because we are on the same side. I think that it is do-able that we

have an attorney who is dedicated to some agencies but at the same time we can live with a full time legal counsel housed at an agency. There can be a special prosecutor assigned by the Attorney General, but we need to know this if there is a conflict of interest. Whichever way we come out, we just have to have an agreement.

Chairman Palacios asked two questions to Attorney Tydingco and to members of the Police Department. Chairman read from Chief Suba's testimony with regards to the quantitative and qualitative work output of the in-house legal attorney. In all likelihood, how would the legal counsel at the Attorney General's office provide service and what would his workload be? Would this adversely affect the department if the transfer was made?

Mr. Tydingco responded that he could not answer or speculate on the question with regards to the adverse affect of the Department if the transfer was made. He could not comment on the issue. He indicated that Mr. Mitchell is assigned to GPD directly, then I would imagine that he would satisfactorily provide this service. There are attorneys which are not housed under us, but have an office elsewhere. When they are not tied up with their work, then they could work on other things that the General assigns us. If we are not paying any attention to GPD, then this bill would allow for using him in other areas as this bill would mandate.

Former Senator Frank Ishizaki stated that he appreciates being here and have a strong opinion on this matter. I realize the challenges and this seems like a very good solution, but when I started as Chief of Police, the role of legal advice fell apart when the previous Attorney General would not comply. I caution you because when that relationship doesn't work, we would never get a response. While I know that Attorney General Limtiaco will do a diligent job, we might be careful with how this would affect the job. One of the key duties of the legal advisor is to provide guidance on legal issues in a Civil Service issue. If you can't provide it within 60 days, a judgment may be made. This is not a criticism, but the limits of lawyers. The ramifications of legal counsel are about guidance and advice. The reality that we are faced with is that there are not enough lawyers in the Attorney General's office. What is important is to protect this high risk department is properly protected and represented. The legal ramification is what is the legal liability of this government would cost millions if we do not fulfill our responsibility.

Chairman Palacios made a minor correction and stated that it is not to take away, but to transfer this authority to the Attorney General's office and to continue to provide the quality and level of services to the Police Department. It is efficiency at its best.

Senator Ishizaki responded stating that we were good friends for a while and we have known each other for over thirty five years or more. I know that you mean well. However, I go back to when the first Attorney General was elected and when I was Chief of Police who did not provide the services to my department. I hope that we don't have to go back to this because it was a childish demonstration of power because this happened to me. Because of the dynamics, I hope this government doesn't go back to this because it happened to me. Thus, I went back to

Title 10, Chapter 77 §77100 which gives me the authority to hire an attorney, and when I needed sound legal advice and training for my police officers. I decided that I would evoke the authority and went to his boss to process the GG1. It would be easier for the Attorney General to cross designate because this would allow.

Chairman Palacios stated that this was not the problem and that Senator Ishizaki didn't listen to the testimony of the Attorney General earlier, but to side with you I supported you at that time. I totally agree with the time when you hired Attorney James Mitchell because there was no support from the Attorney General's office. When you hired him, you didn't have to beg for services. When I heard about this, it was good that you succeeded. Under those circumstances, it was good. However, I am not going to go back and I understand that the relationship with the Attorney General and the Guam Police Department are not the same as when you were Chief.

Senator Ishizaki stated that the Chairman needs to take a look at this instead of fixing this issue with legal counsel at GPD, because in addition to GPD we looked at other law enforcement agencies. The decisions an officer has to make are life and death issues and while this is not going to happen every day, many things can go wrong and the risks of things going wrong are great, we need to provide sound legal advice to the Chief and to other officers. To do less would jeopardize the department to obtain sound legal advice and training for police officers. What I do suggest is to protect other law enforcement agencies with this kind of service and maybe a pull. I am just worried that if we take this out from GPD, that other law enforcement agencies may be compromised. In the future, relationships may be sour.

Chairman Palacios stated that again, I stand to gain nothing from here and from my own estimate; the funding may be better utilized at the Attorney General's office. The Attorney General didn't ask for this bill, but when we have the annual budget discussion with regards to the workload output, legal counsel at GPD did not submit anything in the past two years. I am willing to sit down with Jim Mitchell and Paul Suba so that I can check up on other things that have been brought to my attention. This bill doesn't have to go through and this is my bill as long as the end goal is accomplished. The AG can use this extra position.

Senator Ishizaki stated that he is happy that Chairman Palacios is commendable in making sure that people are accountable and efficiency can happen. We need to show what is happening and how the money is being spent.

Chief Suba "I want to thank the former chief and the chairman. In terms of being admonished, this is my job. We have saved the people of Guam millions of dollars because when I was under the former chief, we came up with lots of ideas. If there are some things that people feel Mr. Mitchell hasn't done, then we can work this out. We can meet to discuss these issues."

Chairman Palacios concluded the hearing and requested that written testimony be submitted within the next ten (10) days. He adjourned the hearing at 1:40pm.

III. WRITTEN TESTIMONIES

Attorney James T. Mitchell, Legal Advisor, Guam Police Department, In Opposition, Written Testimony received via hand-delivery on November 23, 2009. Attorney Mitchell states that at the outset, I feel compelled to inform you that the nature of my work is not amenable to quantification unless I was a private attorney timing myself in six minute intervals. Attorney Mitchell then listed specific things regarding his absences at public hearings and gave definitive answers to his workload output by providing anecdotes to his testimony. *(Please see written testimony attached.)*

Mr. Paul R. Suba, Chief of the Guam Police Department, In Opposition, Written Testimony received via hand-delivery on November 19, 2009. Chief Suba is strongly opposed to the bill because legal counsel has protected the Guam Police Department and employees from Civil Service issues and other civil litigation cases where they stood to lose hundreds of thousands of dollars. He testified and has seen how Mr. Mitchell has been in providing the agency which has earned him his salary. *(Please see written testimony attached.)*

Honorary Deputy Chiefs of Police, Guam Police Department, In Opposition, Resolution No. 2009-01 received via hand-delivery on December 4, 2009. Resolution No. 2009-01 regarding Bill No. 271-30(LS), was unanimously adopted by the Honorary Deputy Chiefs of Police of the Guam Police Department on November 20, 2009, which states that the Honorary Deputy Chiefs of Police are “vehemently opposed to Bill No. 271-30 (LS) in its entirety”.

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety, Law Enforcement, & Senior Citizens finds that Bill No. 271-30 (LS) intends to repeal the Guam Police Department’s authority to hire an attorney and will establish provisions for the Attorney General of Guam to provide legal service to the Guam Police Department. The funds appropriated in Public Law 30-55 to the Guam Police Department that also funded the salary and benefits of the current position of in-house attorney or police legal advisor shall be transferred to the Office of the Attorney General, including any incumbent of the position. The Attorney General will be mandated to designate at least one of its attorney’s to assist and represent the Guam Police Department in all civil matters. The Attorney General or his/her designee shall represent the Guam Police Department in administrative hearings or civil litigation in which the Department is interested, and also provide legal advice and guidance to GPD, and consultation to GPD on training and other police related matters. The provisions set forth in this legislation shall become effective January 01, 2010.

The Committee on Public Safety, Law Enforcement, & Senior Citizens hereby reports out Bill No. 271-30 (LS), as introduced, with the recommendation **TO REPORT OUT ONLY.**

I MINA'TRENTA NA LIHESLATURÁN GUÁHAN
2009 (FIRST) Regular Session

Bill No. 271-30(LS)

Introduced by:

Adolpho B. Palacios, Sr.



2009 NOV -4 AM 9:47 AM

AN ACT TO REPEAL §77108, CHAPTER 77, TITLE 10 GUAM
CODE ANNOTATED, "AUTHORITY TO HIRE ATTORNEY";
AND TO ESTABLISH PROVISIONS FOR THE ATTORNEY
GENERAL TO PROVIDE LEGAL SERVICES TO THE GUAM
POLICE DEPARTMENT.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** The Guam Police Department FY
3 2010 budget submittal and testimonies provided during the FY2010 budget hearings
4 provided no record or information reference to the workload out-put of the in-house legal
5 counsel (GPD Legal Section) for the preceding three (3) years, although such information
6 were included/provided for the other divisions/units within the Guam Police Department.
7 Despite actual request for such information was made during the public hearing, such
8 information is yet to be received by the Legislature. Absent information on the workload
9 out-put, coupled with information received from some police officers regarding the
10 difficulty in communicating with the in-house attorney appear to indicate the under
11 utilization of the in-house attorney.

12 During the FY2010 budget hearing for the Office of the Attorney General, the
13 Attorney General requested for additional attorneys to cope with the continuing rise in

1 the workload of attorneys currently on board. Not all the new attorneys requested by the
2 Attorney General were approved. Moreover, the approved budget act contains provisions
3 that mandate the Office of the Attorney General to provide legal assistance to the
4 Department of Mental Health and Substance Abuse and to the landfill issue.

5 *I Liheslaturan Guåhan* finds that funds appropriated to the Guam Police
6 Department for an in-house attorney can best be utilized if such funds are transferred to
7 the Office of the Attorney General, to maximize the services of the attorney, through
8 supervision, guidance and support of the Attorney General. *I Liheslaturan Guåhan*
9 further finds that legal services for the Guam Police Department will not be diminished or
10 compromised by this arrangement.

11 It is therefore, the intent of *I Liheslaturan Guåhan* to repeal §77108, Chapter 77,
12 Title 10 Guam Code Annotated, “Authority to Hire Attorney” and to establish provisions
13 for the Attorney General to provide legal service to the Guam Police Department.

14 **Section 2. §77108, Chapter 77, Title 10 Guam Code Annotated is hereby**
15 **repealed in its entirety.**

16 ~~“§ 77108. Authority to Hire Attorney.~~

17 ~~(a) the Department may employ an attorney to assist and represent it in all~~
18 ~~civil matters. The Attorney General shall represent the Department in~~
19 ~~litigation in which the Department is interested, provided that the Attorney~~
20 ~~General may designate the Department’s attorney as a Special Assistant~~
21 ~~Attorney General for this purpose.~~

22 ~~(b) The Department may set the terms and conditions of employment for~~
23 ~~the attorney, the compensation of which shall be established in accordance~~

1 ~~with 4 GCA '6208 as a full-time employee, or as an independent~~
2 ~~consultant, or may utilize the services of a law firm. The attorney shall be~~
3 ~~admitted to the practice of law in the Territory of Guam.”~~

4 **Section 3. Funds Transfer.** The funds appropriated in Public Law 30-55, “Budget
5 Act” to the Guam Police Department that also funded the salary and benefits of the
6 current position of in-house attorney or police legal advisor shall be transferred to the
7 Office of the Attorney General, including any incumbent of the position.

8 **Section 4. Attorney General to Provide Legal Services.** Notwithstanding any
9 other law, rule or regulation the Attorney General shall upon the transfer of funds from
10 the Guam Police Department to the Office of the Attorney General designate at least one
11 of its attorneys to assist and represent the Guam Police Department in all civil matters.
12 The Attorney General, or his or her designee, shall represent the Guam Police
13 Department (GPD) in administrative hearings or civil litigation in which the Department
14 is interested, and also provide legal advice and guidance to GPD, as well as provide
15 consultation to GPD on training and other police-related matters.

16 **Section 5. Effective Date.** The provisions set forth in this Act shall become
17 effective on January 01, 2010. The Guam Police Department, the Office of the Attorney
18 General, and the Department of Administration and/or the Bureau of Budget
19 Management Research (BBMR) upon the enactment of this Act shall commence
20 preparation for the transfer of the funds and staff. Such transfer shall be completed not
21 later than January 01, 2010.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

MONDAY, NOVEMBER 23, 2009

Bill No. 271-30 (LS) – An act to repeal §77108, Chapter 77, Title 10 Guam Code Annotated, “Authority to Hire Attorney”; and to establish provisions for the Attorney General to provide legal services to the Guam Police Department. – by **Senator A. B. Palacios, Sr.**

NAME (Please Print)	AGENCY/ ORGANIZATION (If any)	SUPPORT? ✓	OPPOSE? ✓	WRITTEN TESTIMONY ✓	ORAL TESTIMONY ✓	CONTRACT NUMBER	EMAIL ADDRESS
Ron McIninch	self				✓	488-8884	
Andrew Park			✓			687-2630	
Phil Tydingco	AGO	✓			✓	475-1360	
Patrick Heinz	private		✓		✓	687-3435	
Bill Winkler	"		✓			475-0800	
JAMES MITCHELL	GPD		✓	✓	✓	475 85 09	



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS**

I Mina'Trenta na Liheslaturan Guåhan

**SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN**

MONDAY, NOVEMBER 23, 2009

Bill No. 271-30 (LS) – An act to repeal §77108, Chapter 77, Title 10 Guam Code Annotated, “Authority to Hire Attorney”; and to establish provisions for the Attorney General to provide legal services to the Guam Police Department. – by **Senator A. B. Palacios, Sr.**

NAME (Please Print)	AGENCY/ ORGANIZATION (If any)	SUPPORT? ✓	OPPOSE? ✓	WRITTEN TESTIMONY ✓	ORAL TESTIMONY ✓	CONTRACT NUMBER	EMAIL ADDRESS
<i>Paul SUBA</i>	<i>PPD</i>		✓	✓	✓	<i>475-8508</i>	
<i>Bert Ungsingto</i>	<i>M.v. Tourism</i>		✓	✓	✓	<i>482-8725</i>	



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS**

I Mina'Trenta na Liheslaturan Guåhan

**SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN**

MONDAY, NOVEMBER 23, 2009

Bill No. 271-30 (LS) – An act to repeal §77108, Chapter 77, Title 10 Guam Code Annotated, “Authority to Hire Attorney”; and to establish provisions for the Attorney General to provide legal services to the Guam Police Department. – by **Senator A. B. Palacios, Sr.**

NAME (Please Print)	AGENCY/ ORGANIZATION (If any)	SUPPORT? ✓	OPPOSE? ✓	WRITTEN TESTIMONY✓	ORAL TESTIMONY✓	CONTRACT NUMBER	EMAIL ADDRESS
Frankie T. Ishizaki			✓		✓	898-0703	fishizaki@hotmail.com

November 20, 2009

The Honorable Adolpho B. Palacios, Sr.
Senator and Chairperson, Committee on Public Safety,
Law Enforcement and Senior Citizens
30th Guam Legislature
Suite 104, Guam Legislature Building
155 Hesler Place
Hagåtña, Guam 96910

Subject: Bill 271-30(LS)

Dear Senator Palacios:

The Legislative Findings and Intent of Bill 271-30 (LS) states: “Absent information on the workload out-put, coupled with information received from some police officers regarding difficulty in communication with the in-house attorney appear to indicate the under utilization of the in-house attorney.” This statement forms the basis for the bill. I believe the statement draws an incorrect conclusion. I explain below.

At the outset, I feel compelled to inform you that the nature of my work is not amenable to quantification unless I was a private attorney timing myself in six minute intervals. However, I can give you an idea of the nature of my work by briefly describing what I did on November 19, 2009. When I left work yesterday I was drafting written testimony for Bill 255-30(COR). We did not provide oral testimony for reasons I will state below. I pulled the document up and began reviewing what I had written yesterday. Before I began typing one word, an officer came into my office to discuss a criminal case that the AG is handling. The discussion pertained to how we handle suspects at precincts. Another officer interrupted for a brief discussion; a subject I do not remember.

After I completed the discussion with the first officer, the Chief's secretary came into my office with documents that required my review. One of the documents required my urgent review. This is not unusual. I make a legal review of many of the documents that go out under the Chief's signature. Upon review, I determined the urgent document required substantial revision. After several rewrites, we finally got the document out in final form. I reviewed the other documents and returned them to the Chief's secretary with minor corrections. While reviewing the documents I had a discussion with an officer about how the Department could return a stolen automobile to its owner and at the same time ensure that the AG had sufficient evidence to prosecute the case.

Then I entertained another officer who wanted to talk about GPD's position with respect to typhoon pay under typhoon conditions as compared to conditions of readiness. This has been an on going issue that is yet to be resolved. We next discussed some e-mails from a vendor who claims it can assist GPD with strategic planning for the military build up. The discussion centered on whether this vendor can do something for us that we cannot do for ourselves. The vendor's position seems to be that it can assist us in developing a much more detailed strategic plan than we already have. We agreed that we need to take a closer look at the vendor's proposal when we have more time at our disposal. Upon completion of this discussion, I looked up and it was already noon. I went to lunch.

When I returned from lunch, the Chief's secretary gave me another document for my review. I had to revise that document. At the same time, I received a call from the AG's office. They were complaining that they could not get the restitution amount for a damaged motor cycle and they could not find the officer who was injured. I stopped what I was doing to make a brief investigation. It turned out that the officer they were trying to get information from was off island. I got someone to call the AG's office and give them all of the information they needed and got the precinct to notify the injured officer that the AG needed to speak with him. Often times, the AG's office contacts me when they don't know where else to turn. Significantly, whenever they call we do whatever we can to get them the information they need in an expeditious manner.

After handling the problem from the AG's office, an Internal Affairs (IA) officer came into my office to discuss an ongoing case. I work closely with IA to insure that their investigations will withstand scrutiny and to generally give them guidance. By the time I was finished with this discussion, it was 2 p.m. It was time for a regularly scheduled management meeting. I attend all management meetings. During these meetings I am kept abreast of the current workings

within each of the Bureaus. I am alert to identify any legal issues pertaining to the subject matter being discussed. Quite often, the managers have specific legal questions for me. It is also a forum where I disseminate information and legal updates to managers. That information is most often information that I have received from the AG's office. Such information pertains to how GPD can better build criminal cases to aid the prosecution and how GPD and the AG can better coordinate our efforts. The managers, in turn, disseminate the information and updates to their troops.

The management meeting ended at 3:40 p.m. Immediately following that meeting we had a meeting with some security personnel from the Naval Base. They shared information and evidence with us concerning an investigation they were conducting. Their investigation tangentially concerned one of our officers. After that meeting, our management team planned a course of action as to how we would handle the situation concerning our officer who was tangentially involved. After that meeting, the head of our IA section discussed with me and the Chief the facts of a newly initiated IA investigation. By this time it was 5:15 p.m.

It was the end of the day and I had not typed a word on the written testimony for Bill 255-30(COR). I had too many distractions to accomplish any writing. I forgot to mention that sometime during the course of the day; I did talk to someone from Highway Patrol Division about Bill 255. This was a typical day; a day where I am kept busy and the day ends before I know it. During the course of my work days, I am working with GPD personnel on issues that are vital to the operations of the Department. While every day is different, the above narrative gives a sense of how I spend my days.

It is important for you to know that I leave the door to my office open. I do this so that any officer can walk into my office to share his or concerns; or seek legal advice at any time. When an officer comes into my office, I drop what I am doing and give my undivided attention to him or her. I was surprised to hear that anyone complained that they could not find me. I am in my office all day unless I am out attending a GPD related meeting. I do attend a lot of meetings as GPD interacts with a number of other agencies and even some private enterprises. Nevertheless, when I am not in the office, I always let the secretaries know where I am. In addition, when I began working at GPD I published my private cell phone number in the GPD newsletter and advised all GPD employees not to hesitate to call me. Also, my cell phone number is on file at TOC. I am available 24/7. I have taken calls at night and have even gone out at night to assist officers. So, anyone that could not find me did not look very hard.

Because I am interacting with GPD personnel on GPD issues throughout the day; day-in and day-out; I am unable to fully concentrate on my legal writings during the course of a day. As a consequence, I often take work home. Or sometimes, I go to the law library when I write documents that require some thought. As an example, I am writing this letter at home because there was simply not enough time for me to get to it during working hours. In any event, I have generated a lot of documents since being employed at GPD. A review of my hard drive and thumb drive reveals that I have generated more than five hundred fifty (550) documents during my four year tenure at GPD. These documents range from one (1) to twenty (20) pages and are in varying degrees of complexity. This amount is not inclusive of documents that other GPD personnel draft and that I review and revise.

Based on this information, it is incorrect to conclude that there is “under utilization of the in-house attorney.”

While it may be true that the Attorney General requested for additional attorneys and that not all of the new attorneys she requested were not approved; it does not logically follow that transferring funds for the GPD in-house attorney would improve the Attorney General’s ability to cope with her workload. It would simply be robbing Peter to pay Paul. The Attorney General would gain additional funding; but at the same time she would gain commensurate responsibility. In all likelihood, the quality and quantity of legal services to GPD will be diminished. There is no way that the quality and quantity of legal services that I provide can be maintained by any individual operating out of the Attorney General’s office.

Regarding my appearance at Legislative Hearings, it is my understanding that testimony may be given orally or in writing. When GPD receives a legislative alert, we distribute it to all concerned and seek their input. We then review the responses to determine if we should provide oral testimony or if written testimony will adequately address our concerns. If we determine that we will provide oral testimony we designate the most knowledgeable individual(s) on the subject to attend the hearing. Rarely am I the individual who is most knowledgeable on general policing matters. However, there are times where there are legal issues involved. In those instances, I am the one designated to testify. In addition, there are times when the Department needs to make a comprehensive testimony on a broad range of issues. I am generally designated under those circumstances.

I am told that you were not happy when I did not attend the motorcycle helmet hearing. It is true that I did not attend that hearing. I recall that I reviewed the bill and found no legal issues. It was a straight forward bill without any

The Hon. Adolpho B. Palacios, Chairperson, Committee on Public Safety,
Law Enforcement and Senior Citizens, 30th Guam Legislature
Subject: Bill No. 271-30(LS)
November 20, 2009
Page 5 of 5

controversies. No one in GPD opposed the bill. Accordingly, GPD fully supported the bill and so stated in written testimony. We did not believe we could contribute anymore by way oral testimony. Our written testimony was straight forward, GPD fully supports the bill.

Regarding Bill 255-30(COR), no one from GPD was present during that hearing. That was unfortunate because we intended to have someone there to provide oral testimony. By way of background, we received the Legislative Alert on November 6, 2009 which essentially gave us one week to review the Bill. During the same time frame we received an Order to Show Cause (OSC) from the Superior Court of Guam. During the week that I would ordinarily have spent reviewing Bill 255, I was fully preoccupied addressing the OSC. The hearing for Bill 255 was on November 16, 2009. Because I had been preoccupied with the OSC, I had not read the Bill. Therefore, I did not attend the hearing. It made no sense for me to testify about something I had not read. GPD recognized the importance of Bill 255 and sent someone to testify during the morning session. However, the Bill was not heard in the morning. We sent our most knowledgeable individual to attend the afternoon session and to testify. On the way to the hearing, that individual learned that he had a death in his family and therefore, did not attend.

For failing to submit oral testimony on Bill 255(COR), GPD sincerely apologizes. As I mentioned above, I am diligently working on written testimony. You will receive it next week. It will be a thoughtful writing.

In closing, I would like to thank you for taking time to read this letter. And I am asking that you reconsider and withdraw Bill 271(LS). My request is not for my sake, but for the sake of the Department. My pay remains the same with or without Bill 271. But, the Department will suffer if Bill 271 passes. No doubt, the quality and quantity of legal services will decline.

Sincerely,

JAMES T. MITCHELL
Legal Advisor
Guam Police Department

cc: Governor of Guam
Lieutenant Governor of Guam
Members, 30th Guam Legislature
Chief of Police, GPD

JTM:scr



FELIX P. CAMACHO
Governor of Guam

MICHAEL W. CRUZ, M.D.
Lieutenant Governor

GUAM POLICE DEPARTMENT

DIPATTAMENTON POLISIAN GUAHAN

Government of Guam


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PAUL R. SUBA
Chief of Police

COLONEL JOAQUIN G. REYES
Police Commander

November 19, 2009


The Honorable Adolpho B. Palacios, Sr.
Senator and Chairperson, Committee on Public Safety,
Law Enforcement and Senior Citizens
30th Guam Legislature
Suite 104, Guam Legislature Building
155 Hesler Place
Hagåtña, Guam 96910

Subject: Bill No. 271-30 (LS)

Dear Senator Palacios:

I strongly oppose Bill No. 271-30 in its entirety, and humbly request that you reconsider this bill for the following reasons:

Since the Guam Police Department was able to bring Attorney James T. Mitchell on board, he has protected the Guam Police Department and our people from not only Civil Service issues but many other civil litigation cases where we stood to lose literally hundreds of thousands of dollars.

I have seen how committed Mr. Mitchell has been to his position and the legal work he provides to this agency and others. He has earned every bit of his salary and more.

I believe Atty. Mitchell is better located at the Guam Police Department whereby his proximity to our priorities is being addressed in the most beneficial manner for our department and personnel. He is available on a day-to-day basis and is available for immediate legal consultation. Immediate consultation would not be available if his position was moved to the Attorney General's Office. He has addressed a variety of legal issues and has assisted numerous uniformed personnel with both criminal and administrative case legal review and presentation.

Atty. Mitchell has benefited the Chief of Police Office by his willingness to fill in as the Staff Assistant to the Chief of Police when assigned staff were not available.

Atty. Mitchell was very instrumental in helping GPD develop the proper legal language for many of our general orders. Some of those orders included the legal policy and procedures that saved GPD and the government millions of dollars annually. This is in relationship to evidence, property and impounded vehicle processing. He was instrumental in establishing a procedure that has removed hundreds of uninsured vehicles from the roadways of Guam. He accomplished this by working within existing laws of Guam and without costing the government a dime for towing these vehicles.

Recent events involving the Superior Court subpoena underscore the need for GPD to have an in-house counsel. In his representation of GPD, Mr. Mitchell was able to point out to the court discrepancies in the Attorney General's subpoena and discrepancies in the way the Attorney General handled the documents it did receive. He was able to show how GPD had actually complied with the subpoena request. One thing not mentioned in the press, is the fact that the purpose of the defense counsel subpoena was to obtain an audio tape recording of an officer's Internal Affairs interview. Attorney Mitchell successfully moved to suppress that portion of the subpoena. Thanks to Mr. Mitchell's efforts, I was not held in contempt of court and an officer was spared the release of his audio taped interview. His privacy rights were protected. The Attorney General's office could not have achieved this; nor would it have an inclination to do so. It had an inherent conflict under the circumstances. Such conflicts are recurring and are a natural part of the relationship between a police department and an attorney general's office.

The list goes on concerning the benefits of having an in-house attorney at the Guam Police Department. Atty. Mitchell has been a great legal representative at numerous federal and local court proceedings, meetings, summits and task forces to address or provide a wide range of legal guidance for all parties concerned.

As you know, the Guam Police Department is faced with an incredible volume of criminal and administrative case work and various other challenges. We are also at a place in our island's history that will require even more legal knowledge and concentration to address those issues and challenges. It is essential that we have immediate and direct access to legal services.

During Colonel Adolf Sgambelluri's tenure as Chief of Police, he had Attorney [former senator] Robert Klitzkie provide him immediate and day-to-day legal

The Honorable Adolpho B. Palacios, Sr.
Senator, 30th Guam Legislature
Subject: Written Testimony Re: Bill No. 271-30(LS)
November 19, 2009
Page 3 of 3

3

guidance. Attorney Klitzkie was situated at the Guam Police Department. Attorney Phil Tydingco had also worked in similar fashion when he was physically assigned at GPD. Former Police Chief Frank Ishizaki had Attorney James Mitchell assist him as well; Attorney Mitchell being located at GPD. None of our Public Safety Chairs thought it to be a financial burden for the people. As a matter of fact, everyone I have mentioned believed it was crucial to address mission essential police operation and administrative requirements.

As we all work towards preparing for the anticipated military buildup, we must work together to address the challenges the Guam Police Department faces. Without an in-house legal counsel in our department, there will definitely be an adverse effect for the men and women of the Guam Police Department and, ultimately, the people of this territory and our visitors.

What we truly need, Senator, is your help and that of your colleagues in the area of identifying funding sources for our agency and the construction of a Police headquarters, something which Atty. Mitchell is also helping us with.

I respectfully await your timely response and pray that you seriously reconsider this bill and remove it from all legislative proceedings.

Sincerely,



PAUL R. SUBA
Chief of Police

cc: Governor of Guam
Lieutenant Governor of Guam
Congresswoman Madeleine Z. Bordallo
Members, 30th Guam Legislature
Attorney General of Guam
Police Commander
GPD Bureau Chiefs
Honorary Deputy Chiefs of Police

PRS:scr



GUAM POLICE DEPARTMENT
DIPATTAMENTON POLISIAN GUAHAN
 Government of Guam



FELIX P. CAMACHO
 Governor of Guam
 MICHAEL W. CRI Z, M.D.
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PAUL R. SUBA
 Chief of Police
 COLONEL JOAQUIN G. REYES
 Police Commander

December 3, 2009

The Honorable Adolpho B. Palacios, Sr. *ABP 12/4/09*
 Senator and Chairperson, Committee on Public Safety,
 Law Enforcement and Senior Citizens
 30th Guam Legislature
 Suite 104, Guam Legislature Building
 155 Hesler Place
 Hagåtña, Guam 96910

Subject: GPD Honorary Deputy Chiefs of Police RESOLUTION NO. 2009-01
Re: Opposition to Bill No. 271-30(LS)

Dear Senator Palacios:

Transmitted herewith is RESOLUTION NO. 2009-01 regarding Bill No. 271-30(LS) – “An Act to Repeal §77108, Chapter 77, Title 10, Guam Code Annotated, “Authority to Hire Attorney;” and To Establish Provisions for the Attorney General to Provide Legal Services to the Guam Police Department, which was unanimously adopted by the Honorary Deputy Chiefs of Police of the Guam Police Department.

Sincerely,

Paul R. Suba
PAUL R. SUBA
 Chief of Police

- cc: Governor of Guam
- Lieutenant Governor of Guam
- Guam Delegate to the U.S. Congress
- Members, 30th Guam Legislature
- Attorney General of Guam
- Police Commander
- GPD Bureau Chiefs

PRS:scr

RECEIVED

PRM 12/04/09



**HONORARY DEPUTY CHIEFS OF POLICE
GUAM POLICE DEPARTMENT
RESOLUTION NO. 2009-01**



WHEREAS, the Honorary Deputy Chiefs of Police of the Guam Police Department (GPD) is comprised of individuals committed to assisting GPD with its statutory duty of providing public safety for the people of Guam;

WHEREAS, we donate equipment, supplies, and financial support, and donate much of our personal time to consult with GPD on public safety matters;

WHEREAS, all of our volunteerism is directed towards improving public safety for the people of Guam;

WHEREAS, Bill No. 271-30(LS) threatens to remove the legal counsel position and its funding from GPD to the Office of the Attorney General of Guam;

WHEREAS, we have observed the effectiveness of the legal advisor position being physically located at GPD;

WHEREAS, the legal counsel position being located at GPD allows the incumbent to effectively address community public safety issues on a daily basis;

WHEREAS, we believe the transfer of the GPD Legal Advisor position to the Office of the Attorney General of Guam would diminish the level of legal services provided to GPD and would adversely affect GPD's ability to properly accomplish its mission and ultimately degrade public safety;

NOW, AND THEREFORE, BE IT RESOLVED THAT:

The Honorary Deputy Chiefs of Police are vehemently opposed to Bill No. 271-30(LS) in its entirety.

Adopted this 20th day of November 2009.

JOSEPH D. LOPEZ, SR.
Corporate Manager, No Ka Oi

VAN R. SHELLY
CEO & President, Nissan Motors Corp.

MIKE BENITO
Gen. Manager, Payless Supermarkets

MARK O. FISH
Exec. Vice-President & Chief Operating Officer
BANKPACIFIC

PATRICK HEINZ
Comptroller, Payless Supermarkets

FRANKIE T. ISHIZAKI
Advisor, Guam Homeland Security

BILL WINDHAM
Operations Director, Pacific Daily News

PACIFICO R. MARTIR
Operations Consultant, McDonald's of Guam

HONG SOON IM
President, MIKI Taxi

GREG ROBARIO
Cafe Havaya, Hyatt Regency Hotel

BART JACKSON
General Manager, Pacific Islands Club (PIC)

RONALD L. McNINCH
Professor, University of Guam

ROBERT A. PERRON
President, Pacific Tyre

ROBERT P. SALAS
Director, Landscape Management System, Inc.

THOMAS T. HIGA
Vice-President for Sales and Marketing
MCV Broadband

MARY P. TORRE
President, Guam Hotel & Restaurant Association

CENCIO TAN VY
President, Benson Enterprises, Guam

MICHAEL S. HAHM
President & CEO, DECO Corp.

ANDREW C. PARK
President, Park Insurance

DAVID TYDINGCO
Senior Vice President, Younex International

YOSHINO HAYATO
President, P.H.R. Ken Asset Management Inc.

BERT R. UNPINGCO, "Mr. Guam Tourism"
Publisher, Portrait of Guam U.S.A. Books

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 271-30(LS)**

AN ACT TO REPEAL §77108, CHAPTER 77, TITLE 10 GUAM CODE ANNOTATED, "AUTHORITY TO HIRE ATTORNEY" AND TO ESTABLISH PROVISIONS FOR THE ATTORNEY GENERAL TO PROVIDE LEGAL SERVICES TO THE GUAM POLICE DEPARTMENT.

Department/Agency Appropriation Information

Dept./Agency Affected: Department of Revenue & Taxation		Dept./Agency Head: Artemio Ilagan	
Department's General Fund (GF) appropriation(s) to date:		\$24,235,619	
Department's Other Fund (specify): Police Services Fund		\$522,767	
Total Department/Agency Appropriation(s) to date:		\$24,758,386	

Fund Source Information of Proposed Appropriation

	General Fund:	Other:	Total:
FY 2010 Adopted Revenues	\$540,218,638	\$112,566,011	\$652,784,649
FY 2010 Appro. (P.L. 30-55)	(\$540,228,723)	(\$113,243,583)	(\$653,472,306)
Sub-total:	(\$10,085)	(\$677,572)	(\$687,657)
Less appropriation in Bill	\$0	\$0	\$0
Total:	(\$10,085)	(\$677,572)	(\$687,657)

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2010 (if applicable)	FY 2011	FY 2012	FY 2013	FY 2014
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Tourist Attraction Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- | | | | |
|---|--------|----------------------------|----------------------------|
| 1. Does the bill contain "revenue generating" provisions?
If Yes, see footnote. | | // Yes | /X/ No |
| 2. Is amount appropriated adequate to fund the intent of the appropriation?
If no, what is the additional amount required? \$ _____ | // N/A | /X/ Yes | // No |
| 3. Does the Bill establish a new program/agency?
If yes, will the program duplicate existing programs/agencies?
Is there a federal mandate to establish the program/agency? | // N/A | // Yes
// Yes
// Yes | /X/ No
/X/ No
/X/ No |
| 4. Will the enactment of this Bill require new physical facilities? | | // Yes | /X/ No |
| 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:
// Requested agency comments not received by due date | | // Yes | /X/ No |

/X/ Other: Insufficient time to collaborate given the deadline requested

Analyst: <u>John AB Pangelinan</u> Date: <u>11/23/09</u>	Director: <u>Bertha M. Duenas</u> Date: <u>11/24/09</u>
John AB Pangelinan, Supervisor	Bertha M. Duenas, Director, BBMR

Footnotes: The Bill has a potential for additional funding impact; however, in its present form that impact cannot be determined at this time.



COMMITTEE ON RULES

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

2009 NOV -9 AM 11:55

**SENATOR
RORY J.
RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

**MAJORITY
MEMBERS:**

**Judith T. Won Pat
SPEAKER**

**Benjamin J. F. Cruz
VICE SPEAKER**

**Tina Rose Muña Barnes
LEGISLATIVE SECRETARY**

**Thomas C. Ada
SENATOR**

**Frank B. Aguon, Jr.
SENATOR**

**Adolpho B. Palacios, Sr.
SENATOR**

**Vicente C. Pangelinan
SENATOR**

**Matthew Rector
SENATOR**

**MINORITY
MEMBERS:**

**Frank F. Blas, Jr.
SENATOR**

**James V. Espaldon
SENATOR**

November 6, 2009

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 270-30 (LS) – 271-30 (LS)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 270-30 (LS) – 271-30 (LS).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine Tajalle at 472-7679.

Si Yu'os Ma'åse'!

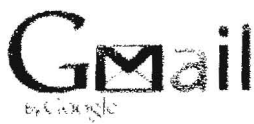
(1) Attachment

I Mina'Trenta Na Liheslaturan Guåhan

Bill Log Sheet

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
B270-30 (LS)	Adolph B. Palacios Sr.	AN ACT TO AMEND §3401.1 (f) and (h), ARTICLE 4, CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED; RELATIVE TO REQUIRING VOLUNTEERS TO DISPLAY THEIR IDENTIFICATION CARD AND TO BE IN PRESCRIBED UNIFORM ATTIRE WHILE ISSUING CITATIONS FOR THE PURPOSE OF IMMEDIATE RECOGNITION OF AUTHORITY.	11/4/09 9:47 a.m.	11/06/09	Committee on Public Safety, Law Enforcement, and Senior Citizens			
B271-30 (LS)	Adolph B. Palacios Sr.	AN ACT TO REPEAL §77108, CHAPTER 77, TITLE 10 GUAM CODE ANNOTATED, AUTHORITY TO HIRE ATTORNEY"; AND TO ESTABLISH PROVISIONS FOR THE ATTORNEY GENERAL TO PROVIDE LEGAL SERVICES TO THE GUAM POLICE DEPARTMENT.	11/4/09 9:47 a.m.	11/06/09	Committee on Public Safety, Law Enforcement, and Senior Citizens			



Adolpho Palacios <senabpalacios@gmail.com>

November 23, 2009 Public Hearing - FIRST NOTICE

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Fri, Nov 13, 2009 at 9:50 AM

To: speaker@judiwonpat.com, "Vice Speaker Benjamin J. F. Cruz" <senadotbjcruz@aol.com>, office@senatorada.org, "Senator Frank B. Aguon" <aguon4guam@gmail.com>, aguonmedia@gmail.com, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Senator Edward J. B. Calvo" <sencalvo@gmail.com>, senjim@ite.net, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, "Senator Ben C. Pangelinan" <senbenp@guam.net>, Senator Matt Rector <matt@mattrector.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senatortelo@gmail.com, Senator Ray Tenorio <ray@raytenorio.com>, nsantos@senatorada.org, roeann@raytenorio.com, Stephanie Mendiola <sem@guamlegislature.org>, Pat Santos <psantos@guamlegislature.org>, fterlaje@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, sgtarms@guamlegislature.org, vbermudes@guamlegislature.org, yong@guamlegislature.org

November 13, 2009

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Senior Citizens has scheduled a public hearing starting at **9:00 a.m., Monday, November 23, 2009**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 270-30 (LS)** – An act to amend §3401.1 (f) and (h), Article 4, Chapter 3, Title 16 Guam Code Annotated; relative to requiring volunteers to display their identification card and to be in prescribed uniform attire while issuing citations for the purpose of immediate recognition of authority. – by **Senator A. B. Palacios, Sr.**
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The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bills/Resolution may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Jonathan Diaz or Priscilla Cruz at 472-5047/5048.



Adolpho Palacios <senabpalacios@gmail.com>

November 23, 2009 Public Hearing - FIRST NOTICE

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Fri, Nov 13, 2009 at 9:47 AM

To: hottips@kuam.com, mindy@kuam.com, malafunkshun@kuam.com, news@guampdn.com, Catriona Melyan <cmelyan@guampdn.com>, amier@mvguam.com, marvic@mvguam.com, ads@mvguam.com, jontalk@k57.com, msilva@k57.com, kstone@ite.net, news@spbg Guam.com, clynt@spbg Guam.com, john@marianasmedia.com

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina Trenta na Liheslaturan Guahan

FACSIMILE TRANSMITTAL SHEET

DATE: November 13, 2009

TO:

Pacific Daily News	477-3079
Marianas Variety (Attn: Community Page)	648-2007
KUAM/Isla 630	637-9865
Pacific News Center	477-0793
K-57/Power 98	477-3982
Hit Radio 100	472-7663
KStereo/KISH	477-6411
Glimpses	649-8883
Joy 92 FM	477-4678
Adventist Radio	565-2983
KPRG	734-2958
Guam Broadcast Services	648-0104

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *First Notice of Public Hearing scheduled for
Monday, November 23, 2009 – 9:00 am*

PAGES: 2 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

**PLEASE SEE ATTACHED
PUBLIC HEARING NOTICE.
THANK YOU.**



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

November 13, 2009

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

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Office/Mailing Address: 155 Hester Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

BROADCAST REPORT

TIME : 11/13/2009 10:30
 NAME : SEN. PALACIOS
 FAX : 671-472-5022
 TEL :
 SER.# : G9N282826

PAGE(S)

02

DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
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11/13	10:12	6379865	36	02	OK	ECM
11/13	10:13	4770793	36	02	OK	ECM
11/13	10:14	4773982	36	02	OK	ECM
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11/13	10:18	6498883	36	02	OK	ECM
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11/13	10:22	6480104	36	02	OK	ECM
11/13	10:29	6482007	36	02	OK	ECM

BUSY : BUSY/NO RESPONSE
 NG : POOR LINE CONDITION
 CV : COVERPAGE
 PC : PC-FAX



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina Trenta na Liheslaturan Guåhan

FACSIMILE TRANSMITTAL SHEET

DATE: November 13, 2009

TO:

Speaker J. Won Pat	472-3589
Vice Speaker B. J. Cruz	477-2522
Senator T. Muna-Barnes	472-3400
Senator R. J. Respicio	472-3547
Senator J. P. Guthertz	472-3547
Senator T. C. Ada	473-3303
Senator Matt Rector	734-8085
Senator v. c. pangelinan	473-4238
Senator F. B. Aguon, Jr.	969-1497
Senator E. J. B. Calvo	475-8805
Senator Ray Tenorio	479-1329
Senator J. V. Espaldon	475-2000
Senator T. Taitague	969-8357
Senator F. Blas, Jr.	472-2528

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: First Notice of Public Hearing scheduled for
Monday, November 23, 2009 – 9:00 am

PAGES: 2 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

PLEASE SEE ATTACHED PUBLIC HEARING NOTICE.

THANK YOU.

BROADCAST REPORT

TIME : 11/13/2009 13:28
 NAME : SEN. PALACIOS
 FAX : 671-472-5022
 TEL :
 SER.# : G9N282826

PAGE(S)

02

DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
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11/13	13:09	4723400	45	02	OK	
11/13	13:10	4733303	41	02	OK	ECM
11/13	13:11	7348085	40	02	OK	ECM
11/13	13:13	4734238	42	02	OK	ECM
11/13	13:14	9691497	41	02	OK	ECM
11/13	13:16	4791329	41	02	OK	ECM
11/13	13:17	4752000	41	02	OK	ECM
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BUSY : BUSY/NO RESPONSE
 NG : POOR LINE CONDITION
 CV : COVERPAGE
 PC : PC-FAX



Thirtieth
Guam Legislature

Committee on Public Safety,
Law Enforcement &
Senior Citizens
Members:

Senator Adolpho B. Palacios, Sr.
Chairman

Senator Ray Tenorio
Vice Chairman

Speaker Judith T. Won Pat
Member

Senator Thomas C. Ada
Member

Senator Frank B. Aguon, Jr.
Member

Senator Matt Rector
Member

Senator Edward J.B. Calvo
Member

Senator James V. Espaldon
Member

Other Committee Membership:

- Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary
- Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs
- Vice Chairman, Committee on Labor, the Public Structure, Public Libraries & Technology
- Member, Committee on Rules
- Member, Committee on Education

**COMMITTEE ON PUBLIC SAFETY,
LAW ENFORCEMENT & SENIOR CITIZENS**

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

November 13, 2009

MEMORANDUM

TO: ALL SENATORS

FROM: Chairman, Committee on Public Safety, Law Enforcement
and Senior Citizens *ADP*

SUBJECT: *First Notice of Public Hearing* scheduled for
Monday, November 23, 2009 – 9:00 am.

The Committee on Public Safety, Law Enforcement, and Senior Citizens has scheduled a public hearing starting at 9:00 a.m., Monday, November 23, 2009, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 270-30 (LS)** – An act to amend §3401.1 (f) and (h), Article 4, Chapter 3, Title 16 Guam Code Annotated; relative to requiring volunteers to display their identification card and to be in prescribed uniform attire while issuing citations for the purpose of immediate recognition of authority. – by **Senator A. B. Palacios, Sr.**
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cc: Protocol/MIS/Audio
Clerk of the Legislature

Office/Mailing Address: 155 Hesler Pl., Hagåtña GU 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

T Mina Trenta na Libeslaturan Guahan

FACSIMILE TRANSMITTAL SHEET

DATE: November 18, 2009

TO:

Pacific Daily News	477-3079
Marianas Variety (Attn: Community Page)	648-2007
KUAM/Isla 630	637-9865
Pacific News Center	477-0793
K-57/Power 98	477-3982
Hit Radio 100	472-7663
KStereo/KISH	477-6411
Glimpses	649-8883
Joy 92 FM	477-4678
Adventist Radio	565-2983
KPRG	734-2958
Guam Broadcast Services	648-0104

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *Second* Notice of Public Hearing scheduled for
Monday, November 23, 2009 – 9:00 am

PAGES: 2 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

**PLEASE SEE ATTACHED
PUBLIC HEARING NOTICE.
THANK YOU.**



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

November 18, 2009

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Senior Citizens has scheduled a public hearing starting at 9:00 a.m., **Monday, November 23, 2009**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

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Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

BROADCAST REPORT

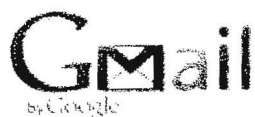
TIME : 11/18/2009 11:16
 NAME : SEN. PALACIOS
 FAX : 671-472-5022
 TEL :
 SER.# : G9N282826

PAGE(S)

02

DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
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11/18	11:04	6379865	36	02	OK	ECM
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11/18	11:07	4773982	36	02	OK	ECM
11/18	11:08	4727663	36	02	OK	ECM
11/18	11:09	4776411	35	02	OK	ECM
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11/18	11:15	6480104	36	02	OK	ECM

BUSY : BUSY/NO RESPONSE
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Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing scheduled for Nov. 23, 2009

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Wed, Nov 18, 2009 at 10:44 AM

To: speaker@judiwonpat.com, "Vice Speaker Benjamin J. F. Cruz" <senadotbjcruz@aol.com>, office@senatorada.org, "Senator Frank B. Aguon" <aguon4guam@gmail.com>, aguonmedia@gmail.com, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Senator Edward J. B. Calvo" <sencalvo@gmail.com>, senjim@ite.net, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, "Senator Ben C. Pangelinan" <senbenp@guam.net>, Senator Matt Rector <matt@mattorector.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senatortelo@gmail.com, Senator Ray Tenorio <ray@raytenorio.com>, Stephanie Mendiola <sem@guamlegislature.org>, Pat Santos <psantos@guamlegislature.org>, fterlaje@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, nsantos@senatorada.org, roeann@raytenorio.com, sgtarms@guamlegislature.org, vbermudes@guamlegislature.org, yong@guamlegislature.org

November 18, 2009

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Senior Citizens has scheduled a public hearing starting at **9:00 a.m., Monday, November 23, 2009**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 270-30 (LS)** – An act to amend §3401.1 (f) and (h), Article 4, Chapter 3, Title 16 Guam Code Annotated; relative to requiring volunteers to display their identification card and to be in prescribed uniform attire while issuing citations for the purpose of immediate recognition of authority. – by **Senator A. B. Palacios, Sr.**

- **Bill No. 271-30 (LS)** – An act to repeal §77108, Chapter 77, Title 10 Guam Code Annotated, "Authority to Hire Attorney"; and to establish provisions for the Attorney General to provide legal services to the Guam Police Department. – by **Senator A. B. Palacios, Sr.**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bills/Resolution may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Jonathan Diaz or Priscilla Cruz at 472-5047/5048.



Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing scheduled for Nov. 23, 2009

1 message

Adolpho Palacios <senabpalacios@gmail.com>**Wed, Nov 18, 2009 at 10:42 AM**

To: hottips@kuam.com, mindy@kuam.com, malafunkshun@kuam.com, news@guampdn.com, Catriona Melyan <cmelyan@guampdn.com>, amier@mvguam.com, marvic@mvguam.com, ads@mvguam.com, jontalk@k57.com, msilva@k57.com, kstone@ite.net, news@spbguam.com, clynt@spbguam.com, john@marianasmedia.com, jeff@marianasmedia.com, jac@marianasmedia.com

November 18, 2009

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**COMMITTEE ON PUBLIC SAFETY,
LAW ENFORCEMENT & SENIOR CITIZENS**

I Mina' Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

**Thirtieth
Guam Legislature**

Committee on Public Safety,
Law Enforcement &
Senior Citizens
Members:

Senator Adolpho B. Palacios, Sr.
Chairman

Senator Ray Tenorio
Vice Chairman

Speaker Judith T. Won Pat
Member

Senator Thomas C. Ada
Member

Senator Frank B. Aguon, Jr.
Member

Senator Matt Rector
Member

Senator Edward J.B. Calvo
Member

Senator James V. Espaldon
Member

Other Committee Membership:

• Vice Chairman, Committee
on Economic Development,
Health and Human Services,
& Judiciary

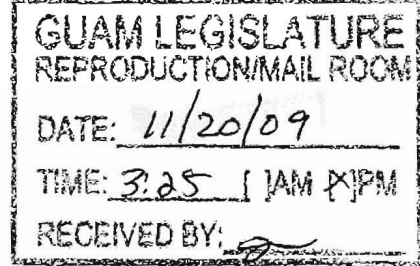
• Vice Chairman, Committee
on Utilities, Transportation,
Public Works, & Veterans
Affairs

• Vice Chairman, Committee
on Labor, the Public
Structure, Public Libraries &
Technology

• Member, Committee on
Rules

• Member, Committee on
Education

November 18, 2009



MEMORANDUM

TO: ALL SENATORS

FROM: Chairman, Committee on Public Safety, Law Enforcement
and Senior Citizens *AS*

**SUBJECT: Second Notice of Public Hearing scheduled for
Monday, November 23, 2009 – 9:00 am.**

The Committee on Public Safety, Law Enforcement, and Senior Citizens has scheduled a public hearing starting at 9:00 a.m., **Monday, November 23, 2009**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 270-30 (LS)** – An act to amend §3401.1 (f) and (h), Article 4, Chapter 3, Title 16 Guam Code Annotated; relative to requiring volunteers to display their identification card and to be in prescribed uniform attire while issuing citations for the purpose of immediate recognition of authority. – by **Senator A. B. Palacios, Sr.**
- **Bill No. 271-30 (LS)** – An act to repeal §77108, Chapter 77, Title 10 Guam Code Annotated, "Authority to Hire Attorney"; and to establish provisions for the Attorney General to provide legal services to the Guam Police Department. – by **Senator A. B. Palacios, Sr.**

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cc: Protocol/MIS/Audio
Clerk of the Legislature

Office/Mailing Address: 155 Hesler PL, Hagåtña GU 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

(The Guam Perspective). Public invited. Call 472-7679 or 472-5834.

Guam Board of Nurse Examiners: Rescheduled meeting 4 p.m., Health Professional Licensing Office, Suite 9, Legacy Square Commercial Complex, Route 10, Mangilao. For special accommodations, call 375-7405/7.

Guam Economic Development Authority: Regular meeting 2 p.m., Suite 511, ITC building, Tamuning. For special accommodations, call 647-4332, ext. 120.

Guam Pardon Review Board: Regular hearing 3 p.m., Parole Services Division, Suite 505, DNA building, Hagåtña. For special accommodations, call 473-7001.

Guam Parole Board: Regular hearing 8:30 a.m., Parole Services Division, Suite 505, DNA building, Hagåtña. For special accommodations, call 473-7001.

Guam Statewide Independence Living Council: General membership meeting noon-2 p.m., sixth floor, Department of Vocational Rehabilitation conference room, DNA building, Hagåtña. For special accommodations, call Shirley Lujan, 969-0067.

Guam Workforce Investment Board: Regular meeting 4 p.m., third floor, GCIC building conference room, Hagåtña. Agenda copies available. For special accommodations, call Helen Mafnas, 475-7057/7073.

Port Authority of Guam: Board of directors regular meeting 5 p.m., board conference room, Cabras Island, Piti. For special accommodations, call Simeon Delos Santos,

477-5931/4, ext. 430 or pager 635-1351.

University of Guam Board of Regents: Regular meeting 5:30 p.m., RFK Library AV room 1, Tan Siu Lin building. Working session 4 p.m., president's conference room, second floor, Jesus and Eugenia Leon Guerrero building. For special accommodations, call Elaine Faculo-Gogue, 735-2244 or TTY 735-2243.

Nov. 20

Guam Board of Examiners for Dentistry: Rescheduled regular meeting 5:30 p.m., Health Professional Licensing Office, Suite 9, Legacy Square Commercial Complex, Route 10, Mangilao. Call 735-7405/7.

Guam Board of Medical Examiners: Rescheduled regular meeting noon, Guam Memorial Hospital Authority conference room, Tamuning. Call 735-7405/7.

Government of Guam Retirement

Fund: Board of trustees regular meeting noon, Retirement Fund conference room, Route 8, Maite. For special accommodations, call 475-8900/1.

Guam Natural Resources Subcommittee: Membership meeting 9-11 a.m., Gov. F.J. Bordallo Complex, upper level conference room, Adelup. Strategy for upcoming review of DOD/Navy Draft Environmental Impact Statement, or DEIS/OESIS, for military buildup for Guam and CNMI and other ongoing matters. To confirm attendance, call Mely De Leon, 475-9669 or e-mail: mely.deleon@bsp.guam.gov.

Nov. 23

Committee on Public Safety Law Enforcement and Senior Citizens: Public hearing 9 a.m., Legislature's public hearing room, Hagåtña. Bill 270-30 (LS), requiring volunteers to display identification cards and to be in prescribed uniform attire while issuing citations for purpose of immediate recognition of authority; Bill 271-30 (LS), authority to hire attorney, and to establish provisions for Attorney General to provide legal services to Guam Police Department. Submit testimony to office of Sen. Adolpho Palacios Sr. For special accommodations, call 472-5047/5048.

Nov. 25

Guam Developmental Disabilities Council: Bimonthly meeting 11 a.m.-2 p.m., Holiday Resort & Spa. All council members are encouraged to attend. Public invited. For special accommodations, call 735-9127.

Guam Education Policy Board: Regular meeting 6 p.m., Department of Education conference room, Hagåtña. For special accommodations, call Joyce Kaneshiro, 300-1627.

Dec. 2

Mayors Council of Guam: Regular meeting 10 a.m., council's conference room, J&G Commercial Center, Suite 111F, Hagåtña. Call Elaine Schaaf, 472-6940 or 477-9461.

Dec. 16

Mayors Council of Guam: Regular meeting 10 a.m., council's conference room, J&G Commercial Center, Suite 111F, Hagåtña. Call Elaine Schaaf, 472-6940 or 477-9461.

COLPS DRIVE, DATTULO STREET, DEDEDO, TIGO
 332-9468 or 632-9466 (WINN)
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BABY JACKPOT
 (Included in your Buy-In)

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TOTAL GIVEAWAY

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 About prior notice.



GOVERNMENT MEETINGS

Today
Chamorro Land Trust Commission:
 Board meeting 1 p.m., Agana Youth Center, Hagåtña mayor's office, O'Brien Drive, Hagåtña. For special accommodations, call 475-4247.
Committee on Guam Military Buildup and Committee on Federal Affairs, in conjunction with University of Guam School of Business and Public Administration: 2009 Island Conference on Public Administration, 8 a.m.-4 p.m., Legislature's public hearing room. Theme: "The Military Buildup and Beyond: Hinasson Taotao Guahan (The Guam Perspective). Public invited. Call 472-7679 or 472-5834.
Guam Board of Nurse Examiners:
 Rescheduled meeting 4 p.m., Health Professional Licensing Office, Suite 9, Legacy Square Commercial Complex, Route 10, Mangilao.

For special accommodations, call 375-7405/7.
Guam Economic Development Authority: Regular meeting 2 p.m., Suite 511, ITC building, Tamuning. For special accommodations, call 647-4332, ext. 120.
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 Rescheduled regular meeting noon, Guam Memorial Hospital Authority conference room, Tamuning. Call 735-7405/7.
Government of Guam Retirement Fund: Board of trustees regular meeting noon, Retirement Fund conference room, Route 8, Maite. For special accommodations, call 475-8900/1.
Guam Natural Resources Subcommittee: Membership meeting 9-11 a.m., Gov. R.J. Bordallo Complex, upper level conference room, Adelup. Strategy for upcoming review of DOD/Navy Draft Environmental Impact Statement, or DEIS/OESIS, for military buildup for Guam and CNMI and other ongoing matters. To confirm attendance, call Mely De Leon, 475-9669 or e-mail: mely.deleon@bsp.guam.gov.

Nov. 23
Committee on Public Safety Law Enforcement and Senior Citizens:
 Public hearing 9 a.m., Legislature's public hearing room, Hagåtña. Bill 270-30 (LS), requiring volunteers to display identification cards and to be in prescribed uniform attire while issuing citations for purpose of immediate recognition of authority; Bill 271-30 (LS), authority to hire attorney, and to establish provisions for Attorney General to provide legal services to Guam Police Department. Submit testimony to office of Sen. Adolpho Palacios Sr. For special accommodations, call 472-5047/5048.

Pacific Daily News, Thursday, November 19, 2009 guampdn.com

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 Visa Credit Card. Minimum accumulated purchase of \$250.00 between the periods of November 1-31 and December 1-31. A valid Delta SkyMiles/MWA WorldPerks account number for miles to be credited.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

PUBLIC HEARING

Monday, November 23, 2009

Public Hearing Room, *I Liheslaturan Guåhan*

Notices for the public hearing were disseminated to all local media via fax and email on November 13, 2009 and on November 18, 2009, pursuant to the Open Government Law.

AGENDA

- **Bill No. 270-30 (LS)** – An act to amend §3401.1 (f) and (h), Article 4, Chapter 3, Title 16 Guam Code Annotated; relative to requiring volunteers to display their identification card and to be in prescribed uniform attire while issuing citations for the purpose of immediate recognition of authority. – by Senator A. B. Palacios, Sr.

- **Bill No. 271-30 (LS)** – An act to repeal §77108, Chapter 77, Title 10 Guam Code Annotated, “Authority to Hire Attorney”; and to establish provisions for the Attorney General to provide legal services to the Guam Police Department. – by Senator A. B. Palacios, Sr.

The Committee will prepare and submit the Committee Reports on the above said Resolution/Bills within next 10 days, in preparation for consideration by the legislative body. However, the Committee will continue to receive written testimonies until December 3, 2009. Please fax, e-mail, or drop testimonies to the Office of Senator Adolpho B. Palacios, Sr., Chairman, Committee on Public Safety, Law Enforcement, and Senior Citizens or the Legislature’s mail room.

Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

LEGISLATIVE ALERT



Thirtieth
Guam
Legislature

CHAIRPERSON:

Committee on
Public Safety, Law
Enforcement and
Senior Citizens

Office of Senator
Adolpho B. Palacios, Sr. 

I Mina'Trenta Na Liheslaturan Guåhan

BILL NO. 271-30 (LS) - AN ACT TO REPEAL §77108, CHAPTER 77, TITLE 10 GUAM CODE ANNOTATED, "AUTHORITY TO HIRE ATTORNEY"; AND TO ESTABLISH PROVISIONS FOR THE ATTORNEY GENERAL TO PROVIDE LEGAL SERVICES TO THE GUAM POLICE DEPARTEMENT.

RAMIFICATIONS/IMPLICATIONS/ISSUES/HIGHLIGHTS:

1. Bill intends to repeal the Guam Police Department's authority to hire an attorney and will establish provisions for the Attorney General of Guam to provide legal service to the Guam Police Department.
2. The funds appropriated in Public Law 30-55 to the Guam Police Department that also funded the salary and benefits of the current position of in-house attorney or police legal advisor shall be transferred to the Office of the Attorney General, including any incumbent of the position.
3. The Attorney General will be mandated to designate at least one of its attorney's to assist and represent the Guam Police Department in all civil matters. The Attorney General or his/her designee shall represent the Guam Police Department in administrative hearings or civil litigation in which the Department is interested, and also provide legal advice and guidance to GPD, and consultation to GPD on training and other police related matters.
4. The provisions set forth in this legislation shall become effective January 01, 2010.

REMARKS:

A public hearing will be held on **Monday, November 23, 2009 from 9:00am to 12noon at the Guam Legislature's Public Hearing Room.** A copy of this bill is available at http://www.guamlegislature.com/30th_bills_intro.htm or my office can fax a copy to you. Written testimony may be submitted to SenABPalacios@gmail.com or **Fax: to 472-5022** on or before the public hearing date. After the public hearing, you may submit or fax your testimony to my office for up to 10 days after the hearing. I would appreciate any comments you can provide. Your comments would be very helpful to me when this Bill comes up for Legislative debate on whether to pass the Bill or not.

By: Jonathan B. Diaz, Policy Researcher 

Date: November 13, 2009

CONSTITUTENTS

Governor's Office: 477-GUAM (4826), 472-7549, 477-8934

Lt. Governor's Office: 477-2007

AG's Office: (671) 472-2493, (671) 477-3390, (671) 475-3203

Guam Police Department: 475-8460, 472-4036

Mayor's Council: 477-8777

Guam Bar Association: (671) 475-3400

Superior Court: 477-3184, 477-3184, 477-4944, 477-2644,

Supreme Court: 475-3164, 475-3140,

Judges Chamber Staff: 477-1852, 475-3317,

BROADCAST REPORT

TIME : 11/13/2009 14:35
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 FAX : 671-472-5022
 TEL :
 SER.# : G9N282826

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 SER. # : G9N282826

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11/13	14:44	4722493	29	01	OK	ECM
11/13	14:45	4773390	29	01	OK	ECM
11/13	14:47	4753203	29	01	OK	ECM
11/13	14:49	4724036	32	01	OK	ECM
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I MINA'TRENTA NA LIHESLATURÁN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 271-30(LS)

Introduced by:

Adolpho B. Palacios, Sr.



2009 NOV -4 AM 9:47 *me*

AN ACT TO REPEAL §77108, CHAPTER 77, TITLE 10 GUAM CODE ANNOTATED, "AUTHORITY TO HIRE ATTORNEY"; AND TO ESTABLISH PROVISIONS FOR THE ATTORNEY GENERAL TO PROVIDE LEGAL SERVICES TO THE GUAM POLICE DEPARTMENT.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** The Guam Police Department FY
3 2010 budget submittal and testimonies provided during the FY2010 budget hearings
4 provided no record or information reference to the workload out-put of the in-house legal
5 counsel (GPD Legal Section) for the preceding three (3) years, although such information
6 were included/provided for the other divisions/units within the Guam Police Department.
7 Despite actual request for such information was made during the public hearing, such
8 information is yet to be received by the Legislature. Absent information on the workload
9 out-put, coupled with information received from some police officers regarding the
10 difficulty in communicating with the in-house attorney appear to indicate the under
11 utilization of the in-house attorney.

12 During the FY2010 budget hearing for the Office of the Attorney General, the
13 Attorney General requested for additional attorneys to cope with the continuing rise in

1 the workload of attorneys currently on board. Not all the new attorneys requested by the
2 Attorney General were approved. Moreover, the approved budget act contains provisions
3 that mandate the Office of the Attorney General to provide legal assistance to the
4 Department of Mental Health and Substance Abuse and to the landfill issue.

5 *I Liheslaturan Guåhan* finds that funds appropriated to the Guam Police
6 Department for an in-house attorney can best be utilized if such funds are transferred to
7 the Office of the Attorney General, to maximize the services of the attorney, through
8 supervision, guidance and support of the Attorney General. *I Liheslaturan Guåhan*
9 further finds that legal services for the Guam Police Department will not be diminished or
10 compromised by this arrangement.

11 It is therefore, the intent of *I Liheslaturan Guåhan* to repeal §77108, Chapter 77,
12 Title 10 Guam Code Annotated, “Authority to Hire Attorney” and to establish provisions
13 for the Attorney General to provide legal service to the Guam Police Department.

14 **Section 2. §77108, Chapter 77, Title 10 Guam Code Annotated is hereby**
15 **repealed in its entirety.**

16 ~~“§ 77108. Authority to Hire Attorney.~~

17 ~~(a) the Department may employ an attorney to assist and represent it in all~~
18 ~~civil matters. The Attorney General shall represent the Department in~~
19 ~~litigation in which the Department is interested, provided that the Attorney~~
20 ~~General may designate the Department’s attorney as a Special Assistant~~
21 ~~Attorney General for this purpose.~~

22 ~~(b) The Department may set the terms and conditions of employment for~~
23 ~~the attorney, the compensation of which shall be established in accordance~~

1 ~~with 4 GCA '6208 as a full time employee, or as an independent~~
2 ~~consultant, or may utilize the services of a law firm. The attorney shall be~~
3 ~~admitted to the practice of law in the Territory of Guam.”~~

4 **Section 3. Funds Transfer.** The funds appropriated in Public Law 30-55, “Budget
5 Act” to the Guam Police Department that also funded the salary and benefits of the
6 current position of in-house attorney or police legal advisor shall be transferred to the
7 Office of the Attorney General, including any incumbent of the position.

8 **Section 4. Attorney General to Provide Legal Services.** Notwithstanding any
9 other law, rule or regulation the Attorney General shall upon the transfer of funds from
10 the Guam Police Department to the Office of the Attorney General designate at least one
11 of its attorneys to assist and represent the Guam Police Department in all civil matters.
12 The Attorney General, or his or her designee, shall represent the Guam Police
13 Department (GPD) in administrative hearings or civil litigation in which the Department
14 is interested, and also provide legal advice and guidance to GPD, as well as provide
15 consultation to GPD on training and other police-related matters.

16 **Section 5. Effective Date.** The provisions set forth in this Act shall become
17 effective on January 01, 2010. The Guam Police Department, the Office of the Attorney
18 General, and the Department of Administration and/or the Bureau of Budget
19 Management Research (BBMR) upon the enactment of this Act shall commence
20 preparation for the transfer of the funds and staff. Such transfer shall be completed not
21 later than January 01, 2010.