



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
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2009 JUL -2 PM 3:42

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

02 JUL 2009

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. 60(COR) "AN ACT TO ESTABLISH MINIMUM QUALIFICATIONS FOR MANAGEMENT LEVEL UNIFORMED POSITIONS IN THE GUAM POLICE DEPARTMENT, BY ADDING NEW §§77110.2, 77110.3 AND 77110.4 TO CHAPTER 77 OF TITLE 10, GUAM CODE ANNOTATED as Public Law 30-39.

Sinseru yan Magåhet,

[Handwritten signature of Michael W. Cruz]

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

Attachment: copy of Bill

30-09-6788
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 7/02/09
Time 9:30
Received by [Signature]



MINA' TRENTA NA LIHESLATURAN GUÅHAN
THIRTIETH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

June 30, 2009

The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith is Bill No. 60(COR) which was overridden by *I Mina'Trenta Na Liheslaturan Guåhan* on June 29, 2009, notwithstanding your veto.

Sincerely,

TINA ROSE MUÑA BARNES
Senator and Legislative Secretary

Enclosure (1)

MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

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

This is to certify that **Bill No. 60 (COR)**, "AN ACT TO ESTABLISH MINIMUM QUALIFICATIONS FOR MANAGEMENT LEVEL UNIFORMED POSITIONS IN THE GUAM POLICE DEPARTMENT, BY ADDING NEW §§ 77110.2, 77110.3 AND 77110.4 TO CHAPTER 77 OF TITLE 10, GUAM CODE ANNOTATED," returned without approval of *I Maga'lahaen Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 29th day of June, 2009, to pass said bill notwithstanding the veto of *I Maga'lahaen Guåhan* by a vote of eleven (11) Members.



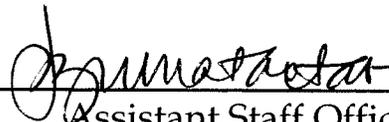
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 01 day of July, 2009, at
11:11 o'clock A.M.



Assistant Staff Officer
Maga'lahaen's Office

Public Law No. 30-39

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

Bill No. 60 (COR)

As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.

T. C. Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

Judith P. Guthertz, DPA

T. R. Muña Barnes

v. c. pangelinan

M. J. Rector

R. J. Respicio

Telo Taitague

Ray Tenorio

Judith T. Won Pat, Ed.D.

**AN ACT TO ESTABLISH MINIMUM
QUALIFICATIONS FOR MANAGEMENT LEVEL
UNIFORMED POSITIONS IN THE GUAM POLICE
DEPARTMENT, BY *ADDING* NEW §§ 77110.2, 77110.3
AND 77110.4 TO CHAPTER 77 OF TITLE 10, GUAM
CODE ANNOTATED.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that recent events concerning the filling of a Guam Police Captain position raised
4 questions and serious concerns regarding the propriety and timing by which the
5 qualifications for the position was revised, and then filled immediately on the spot,
6 by a candidate who would *not* have otherwise qualified *if* the qualifications

1 requirements were *not* lowered. *I Liheslaturan Guåhan* believes that the lowering
2 of the standards was *not* necessary and *not* justified, in light of the fact that
3 sufficient numbers of candidates have already met the higher standards which were
4 in place *prior* to the revisions. Immediately *prior* to, and leading up to the
5 adoption by the Department of Administration of the revised standards, *I*
6 *Liheslaturan Guåhan* received complaints and grievances from incumbent police
7 officers of what they perceived as a politically motivated action in the lowering of
8 the standards. For example, leading up to the few days *prior* to the approval by the
9 Department of Administration of the revised qualifications for the uniformed
10 positions, one of which was the “Police Captain”, *I Liheslaturan Guåhan* received
11 complaints that a “GG-1” had already been signed, clearing the way for the filling
12 of the position by a Won Pat International Airport Authority employee. In
13 addition, police officers have expressed discontent that their testimonies which
14 they presented during a series of meetings held by the Guam Police Department
15 were *not* considered at all. They expressed further that the approval of the
16 proposed revisions, then, was a forgone conclusion.

17 *I Liheslaturan Guåhan* finds that it is *not* unprecedented that minimum
18 qualifications for a uniformed staff position in the Guam Police Department (GPD)
19 were established by law, i.e. “Police Commander” (§77110.1). In fact, GPD
20 attempted to revise and lower the qualifications for the Police Commander, only to
21 find out in the process that the revision can *only* be done through an amendment to
22 an existing statute. The Police Commander, with the rank of “Colonel,” is the
23 highest uniformed classified position in GPD, established by §77110.1 of Title 10,
24 Guam Code Annotated.

25 It is the intent of *I Liheslaturan Guåhan*, therefore, to re-instate the
26 minimum qualifications for: Police Major, Police Captain and Police Lieutenant by

1 adding new §§77110.2, 77110.3 and 77110.4 to Chapter 77 of Title 10, Guam
2 Code Annotated.

3 **Section 2.** New §§ 77110.2, 77110.3 and 77110.4 are hereby *added* to
4 Chapter 77, Title 10, Guam Code Annotated, to read as follows:

5 **“§77110.2. Police Major.** A Police Major *shall* be a uniformed
6 classified officer and *shall* meet the following minimum qualifications,
7 experience, and training, in addition to those prescribed by the Department
8 of Administration:

9 (a) graduated with a bachelor’s degree in Police Science,
10 Criminal Justice Administration, Public Administration, *or* closely
11 related field or discipline, at a nationally accredited institution;

12 (b) must have at least two (2) years of experience in the rank
13 of Police Captain, *or* equivalent law enforcement experience in
14 administration *or* management level; and

15 (c) other necessary special qualifications as established by
16 the Department of Administration *not* inconsistent with (a) and (b)
17 above.

18 **§77110.3. Police Captain.** A Police Captain *shall* be a uniformed
19 classified officer and *shall* meet the following minimum qualifications,
20 experience, and training, in addition to those prescribed by the Department
21 of Administration:

22 (a) graduated with a bachelor’s degree in Police Science,
23 Criminal Justice Administration, Public Administration, *or* closely
24 related field or discipline, at a nationally accredited institution;

25 (b) must have at least two (2) years of experience in the rank
26 of Police Lieutenant, *or* equivalent law enforcement experience in
27 administration *or* management level; and

1 (c) other necessary special qualifications as established by
2 the Department of Administration *not* inconsistent with (a) and (b)
3 above.

4 **§77110.4. Police Lieutenant.** A Police Lieutenant *shall* be a
5 uniformed classified officer and *shall* meet the following minimum
6 qualifications, experience, and training, in addition to those prescribed by
7 the Department of Administration:

8 (a) graduated with an Associate's Degree in Police Science,
9 Criminal Justice Administration, Public Administration, *or* closely
10 related field or discipline, at a nationally accredited institution, *or*
11 successful completion of *not less than* seventy-five (75) college
12 credits, seventy-five percent (75%) of which are in the field of Law
13 Enforcement, Public Safety, *or* closely related field of discipline, at a
14 nationally accredited institution;

15 (b) must have at least two (2) years of experience in the rank
16 of Police Sergeant II, *or* equivalent law enforcement supervisory
17 experience, *or* must have at least four (4) years of experience in the
18 rank of Police Sergeant I, *or* equivalent law enforcement supervisory
19 experience; and

20 (c) other necessary special qualifications as established by
21 the Department of Administration *not* inconsistent with (a) and (b)
22 above.”

23 **Section 3. No Extension to Current List.** Notwithstanding the
24 Department of Administration rules and regulations and the authority of the
25 Director of Administration to extend the life of the eligibility list, the current
26 eligibility list now in effect for the positions of Police Lieutenant, Police Captain,

1 and Police Major *shall not* be extended and *shall* expire one (1) year from the date
2 it was established.

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2009 (FIRST) Regular Session

Date: 5/29/09

VOTING SHEET

Bill No. 60 (COR)

Resolution No. _____

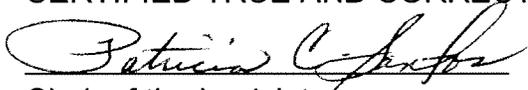
Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
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	✓				
RECTOR, Matthew	✓				
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

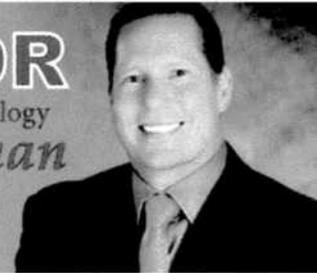


SENATOR MATT RECTOR

Chairman, Committee on labor, the public structure, public libraries and technology

I Mina' Trenta na Liheslaturan Guahan

Thirtieth Guam Legislature



May 22, 2009

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To The Honorable Judith T. Won Pat, Ed.D
Speaker of the Legislature
Mina Trenta Na Liheslaturan Guahan
155 Hesler Street
Hagåtña, Guam 96910

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

2009 MAY 26 PM 12:44
EAM

Buenas Yan Hafa Adai Madam Speaker,

The Committee on Labor, The Public Structure, Public Libraries and Technology, to Which Bill No. 60(COR) "An act to establish minimum qualifications for management level uniformed positions in the Guam Police Department, by adding new Subsections 77110.2 77110.3 and 77110.4 to 10 GCA chapter 77, Section 77110, appointment of deputy Chief of Police." Wishes to report its findings and recommendations, transmitted herewith for your consideration and action is our Committee Report on the above subject matter

The voting record is as follows:

TO PASS	<u>5</u>
NOT TO PASS	_____
TO REPORT OUT	_____
TO PLACE IN INACTIVE FILE	_____

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CR

Copies of the Committee Report and other pertinent documents are attached. Thank You for your attention in this matter

Senseramente,

MATT RECTOR
Chairman,
Committee on Labor, the Public Structure,
Public Libraries and Technology

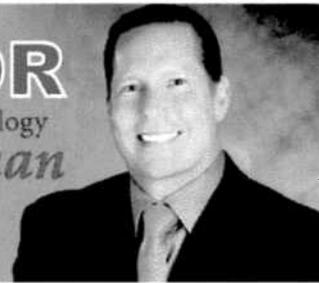


SENATOR MATT RECTOR

Chairman, Committee on labor, the public structure, public libraries and technology

I Mina' Trenta na Liheslaturan Guahan

Thirtieth Guam Legislature



May 21, 2009

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Email:
Matt@mattrector.com

Website:
www.MattRector.com

MEMORANDUM:

TO: Members:
Committee on Labor, the Public, Structure, Public Libraries, and
Technology.

FROM: Chairman, Matthew Rector
Committee on Labor, the Public, Structure, Public Libraries, and
Technology.

SUBJECT:

Committee Report- **Bill No. 60(COR)** "An act to establish minimum qualifications for management level uniformed positions in the Guam Police Department, by adding new Subsections 77110.2 77110.3 and 77110.4 to 10 GCA chapter 77, Section 77110, appointment of deputy Chief of Police."

Transmitted herewith for your information and action is the report for **Bill No. 60 (COR)** from the Committee on Labor, the Public Structure, Public Libraries and Technology.

This Memorandum is accompanied by the following.

1. Voting Sheet
2. Bill No. 60 (COR) as Introduced
3. Sign in Sheet
4. Committee Report
5. Written Testimonies
6. Notices of public hearing

Please take appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated. Should there be any questions regarding this matter, please contact my office at 734-6288

Senseramente,

MATT RECTOR

Chairman,
Committee on Labor, the Public Structure,
Public Libraries and Technology

I MINA TRENTA NA LIHESLATURAN GUAHAN

Committee Voting Sheet

Committee on Labor, the Public Structure, Public Libraries
and Technology.

Bill No. 60(COR) "An act to establish minimum qualifications for management level uniformed positions in the Guam Police Department, by adding new Subsections 77110.2 77110.3 and 77110.4 to 10 GCA chapter 77, Section 77110, appointment of deputy Chief of Police."

Committee Members	To Pass	Not to pass	Report out	Abstain	Inactive File
_____ Senator Matt Rector Chairperson	✓	_____	_____	_____	_____
_____ Senator Adolpho B. Palacios Vice Chairperson	✓	_____	_____	_____	_____
_____ Senator Tina Rose Muña-Barnes Member	✓	_____	_____	_____	_____
_____ Senator Frank H. Aguiñon, Jr. Member	✓	_____	_____	_____	_____
_____ Senator Judith P. Guthertz, DPA member	✓	_____	_____	_____	_____
_____ Senator Vicente "Ben" Pangelinan Member	_____	_____	_____	_____	_____
_____ Senator Telo Taitague Member	_____	_____	_____	_____	_____

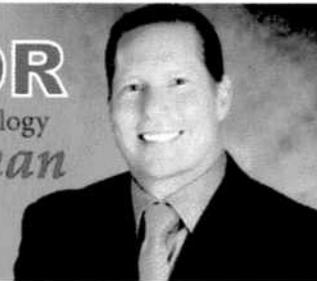


SENATOR MATT RECTOR

Chairman, Committee on labor, the public structure, public libraries and technology

I Mina' Trenta na Liheslaturan Guahan

Thirtieth Guam Legislature



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COMMITTEE REPORT ON:

Bill No. 60 (COR) -“ An act to establish minimum qualifications for management level uniformed positions in the Guam Police Department, by adding new Subsections 77110.2 77110.3 and 77110.4 to 10 GCA chapter 77, Section 77110, appointment of deputy Chief of Police.”

I. Overview

The Committee on Labor, the Public Structure, Public Libraries and Technology convened for a public hearing on Monday, April 15th at 5:30 PM at the *I Liheslaturan Guahan*, Hagatna public hearing room. Notice of all hearings was disseminated to all local media outlets via electronic mail on Wednesday, April 8th, 2009 and Monday, April 13th, 2009 as required by Guam Open Government Law, copies of which are attached to said report. Notice of said events was also displayed upon the Guam Legislature’s website www.guamlegislature.com/calendar.htm.

Committee members/Senators Present:

Senator Matthew Rector Chairman
Senator Adolpho Palacios, Sr. Vice Chairman
Senator Frank B. Aguon Jr., Member
Senator Rory J. Respicio

II. SUMMARY OF TESTIMONY

Senator Palacios: Senator Palacios explains that Bill No. 60 intends to amend qualifications for police captain and police major and intents to set permanently educational requirements. This situation came to light in the recent issues for a qualifying police captain in which an individual was promoted through the ranks but would not have qualified for promotion if amendment to qualification was not made to table top. Very fact that the candidate qualified and would not have qualified if not amended, it is easy to conclude that the standard qualification was lowered.

Senator Palacios stated that Bill No. 60 does many things, except that one has to have the educational requirement that is right now required throughout jurisdiction even in mainland. What Bill No. 60 will do is delete recent amendment which tacked on requirement for “any combination of experience, education, training” which is left wide open and left up to interpretation of person and you have training that is not sanctioned, find somebody from University of Guam to say this is equivalent to that, home free. Need minimum standards, not friendly professor to say equivalent is met. Equivalent

requirement has that, but when you add it more or less it invalidates it. 20 yrs ago that was requirement in police dept, should be strengthened.

Senator Palacios believes that Bill No. 60 is a critical issue for the men and women in law enforcement whom hands our safety depends on. Minimum requirement for officers is graduating with a BS/BA in police science, Criminal justice and police experience, CJ, etc. police experience. DOA may establish other qualifications. As result of recent amendment ANYBODY can apply as captain, major in GPD, even if they were a director from CNMI, FSM. Following that train of thought which establishes in statute requirements for department commanders, consistent to structure requirements that everybody can aspire to. Sufficient number of staff in GPD right now who meets this requirement, the Guam Police Department will never be impeded in filling positions. Bill No. 60 does not deny police to find sufficient number of candidates to fill all positions for high ranking candidates.

Senator Aguon: Senator Aguon stated that he was told that we need to be sure to establish position to aspire for, position standards rather than allow the training of a person for a position. With the nature of our community we have to set high standards, key personnel with higher educational degree, extensive years of experience e that can Automatically continue to work towards a directorship with any of the government of Guam agencies re-emphasizes requirements that as community continues to grow we need to maintain standards that people can move up in ranks. Concept itself is really what we need to do to establish standards to continue to move in right direction.

There being no oral or written testimony received, the Chairman indicated that the committee will continue to receive written testimonies for the next (10) days.

There being no comments or discussion, the chairman concluded the public hearing on **Bill No. 60 (COR)** as duly heard.

III. FINDINGS AND RECOMMENDATIONS

The Committee on Labor, the Public Structure, the Public Libraries, and Technology to which **Bill No. 60(COR) “An act to establish minimum qualifications for management level uniformed positions in the Guam Police Department, by adding new Subsections 77110.2 77110.3 and 77110.4 to 10 GCA chapter 77, Section 77110, appointment of deputy Chief of Police.”** Was referred, does hereby submit its recommendation to *I Mina’ Trenta Na Liheslaturan Guåhan* To Pass **Bill No. 60, As Introduced.**

SENATOR MATT RECTOR
Public Hearing Sign in Sheet
Wednesday, April 15, 2009, 5:30 p.m.

Bill No. 60 (COR) An Act To Established Minimum Qualifications For Management Level Uniform Positions In The Guam Police Department, By Adding New Subsections 771102.2, 77110.3, And 77110.4 To 10 GCA, Chapter 77, Section 77110, Appointment Of Deputy Chief Of Police.

	Name/Company	E-Mail/Contact No.	Village/Address	Support	Oppose
1.	BoA				
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GUAM POLICE DEPARTMENT

DIPATTAMENTON POLISIAN GUAHAN



FELIX P. CAMACHO
Governor of Guam

MICHAEL W. CRUZ, M.D.
Lieutenant Governor

Government of Guam
Bldg No. 233, Central Avenue, Tiyan, Guam 96913
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Fax: (671) 472-4036

PAUL R. SUBA
Chief of Police

COLONEL JOAQUIN G. REYES
Police Commander

March 16, 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: Written Testimony Re: Bill No. 60(COR)

Dear Senator Palacios:

The Guam Police Department opposes Bill 60(COR) because it is a reaction to an isolated incident and will impede the Department's ability to right size itself. Apparently, the genesis of Bill 60 is that some police officers perceive the Department lowered minimum qualifications for certain police officer positions based on political considerations. Furthermore, the same officers expressed discontentment because their testimonies were not considered at all.

The facts are that the recent modification of minimum qualifications for certain police officer positions is the culmination of a collaborative effort among the Guam Police Department (GPD), the Department of Administration (DOA) and the P.O.S.T. Commission. This process had been ongoing for several years and dates back as far as April 17, 2006, during the previous Chief of Police's tenure. The previous Chief appointed a committee whom he tasked to conduct research and develop language appropriate to the Department's needs. This committee authored the first draft of the recently adopted minimum qualifications language.

GPD discussed proposed changes to the minimum qualifications language with its officers for more than two (2) years and requested their input throughout that period. Moreover, DOA conducted a duly noticed public hearing on the matter and

accepted written testimony for a ten-day period. A greater percentage of individuals submitting testimony agreed with the adopted language. Those submitting testimony included police officers who had participated in discussions within GPD.

The process of adopting additional language for police officer minimum qualifications was procedurally correct and was done with a good purpose in mind. This work should not be undone because a few police officers don't like the changes, especially since the adopted language does not lower standards. The language was modified by adding this language: "any equivalent combination of education, police training and experience which provides the minimum knowledge, abilities and skills." This or similar language is used by police departments throughout the United States. Specifically, GPD looked to the language from the Hawaii Police Department.

The need for adding the adopted language arose out of an absolute need to right size GPD through promotions and recruitment. The ranks of GPD were decimated by the 1997 government of Guam early out program. The Department has never recovered and still suffers from a shortage of police officers and a dearth of leadership. Quite often police officers have been forced to under fill critical positions ranging from one to two levels above their rank. In order to maintain public safety for our current population and in anticipation of the military build up, it was necessary for GPD to realign its organizational structure and staffing pattern. In support of GPD's strategic plan, the Governor of Guam approved GPD's reorganization plan. GPD must continue its realignment through recruitment and promotions.

The adopted language enhances GPD's ability to recruit and promote because it broadens the pool of candidates without lowering standards. It is critical during times when there is a shortage of personnel "in the rank of." The adopted language has the added benefit of equalizing the number of college credits awarded in different police academy cycles. For example, some officers were awarded 15 semester credits, while others, in different cycles, were awarded as much as 54 semester hours.

Passage of Bill 60 would take away the process of establishing minimum qualifications from the Executive Branch. DOA is at the core of this particular executive function. Its personnel are especially trained to classify positions and establish minimum qualifications. It adopted the current minimum standards after several years of working with GPD and the P.O.S.T. Commission. Bill 60 second guesses DOA's administrative process and does so without any apparent underpinnings from sound personnel practices. It appears that the impetus for Bill 60 is the loud voices of a few dissatisfied police officers, rather than sound personnel

The Hon. Senator Adolpho B. Palacios, Sr.
30th Guam Legislature
Subject: Written Testimony Re: Bill No. 60(COR)
March 16, 2009
Page 3 of 3

practices. DOA adopted the current minimum standards in recognition of GPD's long term goals; whereas, Bill 60 does not take GPD's long term goals into account.

For the foregoing reasons, the Guam Police Department opposes Bill 60.

Sincerely,



PAUL R. SUBA
Chief of Police

cc: Governor of Guam
Lieutenant Governor of Guam
Guam Delegate to the U.S. Congress
U.S. Attorney for Guam/NMI
SSRA, F.B.I. Guam
Attorney General of Guam
Members, 30th Guam Legislature
Director, Dept. of Administration
Executive Director, P.O.S.T. Commission
Police Commander
Deputy Chief of Police
GPD Bureau Chiefs

PRSVJM:scr



Thirtieth
Guam Legislature

**COMMITTEE ON PUBLIC SAFETY,
LAW ENFORCEMENT & SENIOR CITIZENS**
I Mina'Trenta na Liheslaturan Guåhan
SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

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

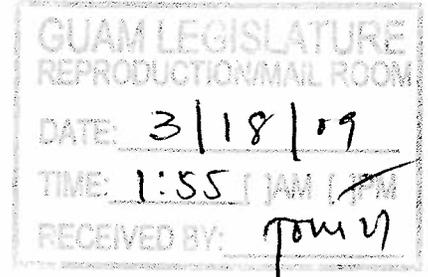
March 18, 2009

MEMORANDUM

TO: Senator Matt Rector
Chairman, Committee on Labor, the Public Structure, Public Libraries and Technology

FROM: Senator Adolpho B. Palacios, Sr. 
Chairman, Committee on Public Safety, Law Enforcement & Senior Citizens

SUBJECT: Testimony on Bill No. 60.



This office received written testimony from Chief of Police Paul Suba on Bill No. 60, to which has been referred to the Committee on Labor, the Public Structure, Public Libraries and Technology. Please find attached a copy of the written testimony for inclusion into the pending committee report on Bill No. 60. Thank you.



GUAM POLICE DEPARTMENT
DIPATTAMENTON POLISIAN GUAHAN



FELIX P. CAMACHO
 Governor of Guam

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 Bldg No. 233, Central Avenue, Tiyan, Guam 96913
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 Fax: (671) 472-4036

PAUL R. SUBA
 Chief of Police

MICHAEL W. CRUZ, M.D.
 Lieutenant Governor

COLONEL JOAQUIN G. REYES
 Police Commander

March 16, 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: Written Testimony Re: Bill No. 60(COR)

Dear Senator Palacios:

The Guam Police Department opposes Bill 60(COR) because it is a reaction to an isolated incident and will impede the Department's ability to right size itself. Apparently, the genesis of Bill 60 is that some police officers perceive the Department lowered minimum qualifications for certain police officer positions based on political considerations. Furthermore, the same officers expressed discontentment because their testimonies were not considered at all.

The facts are that the recent modification of minimum qualifications for certain police officer positions is the culmination of a collaborative effort among the Guam Police Department (GPD), the Department of Administration (DOA) and the P.O.S.T. Commission. This process had been ongoing for several years and dates back as far as April 17, 2006, during the previous Chief of Police's tenure. The previous Chief appointed a committee whom he tasked to conduct research and develop language appropriate to the Department's needs. This committee authored the first draft of the recently adopted minimum qualifications language.

GPD discussed proposed changes to the minimum qualifications language with its officers for more than two (2) years and requested their input throughout that period. Moreover, DOA conducted a duly noticed public hearing on the matter and

accepted written testimony for a ten-day period. A greater percentage of individuals submitting testimony agreed with the adopted language. Those submitting testimony included police officers who had participated in discussions within GPD.

The process of adopting additional language for police officer minimum qualifications was procedurally correct and was done with a good purpose in mind. This work should not be undone because a few police officers don't like the changes, especially since the adopted language does not lower standards. The language was modified by adding this language: "any equivalent combination of education, police training and experience which provides the minimum knowledge, abilities and skills." This or similar language is used by police departments throughout the United States. Specifically, GPD looked to the language from the Hawaii Police Department.

The need for adding the adopted language arose out of an absolute need to right size GPD through promotions and recruitment. The ranks of GPD were decimated by the 1997 government of Guam early out program. The Department has never recovered and still suffers from a shortage of police officers and a dearth of leadership. Quite often police officers have been forced to under fill critical positions ranging from one to two levels above their rank. In order to maintain public safety for our current population and in anticipation of the military build up, it was necessary for GPD to realign its organizational structure and staffing pattern. In support of GPD's strategic plan, the Governor of Guam approved GPD's reorganization plan. GPD must continue its realignment through recruitment and promotions.

The adopted language enhances GPD's ability to recruit and promote because it broadens the pool of candidates without lowering standards. It is critical during times when there is a shortage of personnel "in the rank of." The adopted language has the added benefit of equalizing the number of college credits awarded in different police academy cycles. For example, some officers were awarded 15 semester credits, while others, in different cycles, were awarded as much as 54 semester hours.

Passage of Bill 60 would take away the process of establishing minimum qualifications from the Executive Branch. DOA is at the core of this particular executive function. Its personnel are especially trained to classify positions and establish minimum qualifications. It adopted the current minimum standards after several years of working with GPD and the P.O.S.T. Commission. Bill 60 second guesses DOA's administrative process and does so without any apparent underpinnings from sound personnel practices. It appears that the impetus for Bill 60 is the loud voices of a few dissatisfied police officers, rather than sound personnel

The Hon. Senator Adolpho B. Palacios, Sr.
30th Guam Legislature
Subject: Written Testimony Re: Bill No. 60(COR)
March 16, 2009
Page 3 of 3

practices. DOA adopted the current minimum standards in recognition of GPD's long term goals; whereas, Bill 60 does not take GPD's long term goals into account.

For the foregoing reasons, the Guam Police Department opposes Bill 60.

Sincerely,



PAUL R. SUBA
Chief of Police

cc: Governor of Guam
Lieutenant Governor of Guam
Guam Delegate to the U.S. Congress
U.S. Attorney for Guam/NMI
SSRA, F.B.I. Guam
Attorney General of Guam
Members, 30th Guam Legislature
Director, Dept. of Administration
Executive Director, P.O.S.T. Commission
Police Commander
Deputy Chief of Police
GPD Bureau Chiefs

PRSJTM:scr

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

Bill No. 60(CAR)

Introduced by:

Adolpho B. Palacios, Sr.



AN ACT TO ESTABLISH MINIMUM QUALIFICATIONS
FOR MANAGEMENT LEVEL UNIFORMED POSITIONS IN
THE GUAM POLICE DEPARTMENT, BY ADDING NEW
SUBSECTIONS 77110.2, 77110.3, AND 77110.4 TO 10 GCA,
CHAPTER 77, SECTION 77110, APPOINTMENT OF DEPUTY
CHIEF OF POLICE.

2009 FEB 11 PM 2:22 ML

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Findings and Intent.** *I Liheslaturan Guáhan* finds that
3 recent events concerning the filling of a Guam Police Captain position raised questions
4 and serious concerns regarding the propriety and timing by which the qualifications for
5 the position was revised, and then filled immediately on the spot, by a candidate who
6 would not have otherwise qualified if the qualifications requirements were not lowered.
7 *I Liheslaturan Guáhan* believes that the lowering of the standards was not necessary and
8 not justified in light of the fact that sufficient number of candidates have already met
9 the higher standards which were in place prior to the revisions. Immediately prior to,
10 and leading up to the adoption by the Department of Administration of the revised
11 standards, *I Liheslaturan Guáhan* received complaints and grievance from incumbent

1 police officers of what they perceived as politically motivated action in the lowering of
2 the standards. For example, leading up to the few days prior to the approval by the
3 Department of Administration of the revised qualifications for the uniformed positions,
4 one of which was the "Police Captain", *I Liheslaturan Guåhan* received complaints that a
5 "GG-1" has already been signed, clearing the way for the filling of the position by a
6 Guam International Airport Authority employee. In addition, Police Officers have
7 expressed discontent that their testimonies which they presented during a series of
8 meetings held by the Guam Police Department were not considered at all. They
9 expressed further that the approval of the proposed revisions, then, was a forgone
10 conclusion.

11 *I Liheslaturan Guåhan* finds that it is not unprecedented that minimum
12 qualifications for a uniformed staff position in the Guam Police Department (GPD)
13 were established by law, i.e. "Police Commander" (§77110.1). In fact, GPD attempted to
14 revise and lower the qualifications for the Police Commander, only to find out in the
15 process that the revision can only be done through an amendment to an existing statute.
16 The Police Commander, with the rank of "Colonel" is the highest classified uniformed
17 position in GPD established by §77110.1 of 10 GCA.

18 It is the intent of *I Liheslaturan Guåhan*, therefore, to re-instate the minimum
19 qualifications for: Police Major, Police Captain, and Police Lieutenant by adding new
20 sub-sections 77110.2; 77110.3; and 77110.4 to 10 GCA.

1 **Section 2.** §77110 of Chapter 77, Title 10, Guam Code Annotated, is hereby
2 amended by adding new subsections 77110.2, 77110.3, and 77110.4, to read as follows:

3 **§ 77110.1. Police Commander.**

4 The Chief of Police shall select a *Police Commander*, who shall be a uniformed
5 classified officer to hold the rank of Colonel. The Police Commander shall meet the
6 following minimum qualifications, in addition to those prescribed by the Director of
7 Administration:

8 (a) be at least thirty (30) years of age; and

9 (b) graduated with a bachelor's degree in Police Science, Criminal Justice
10 Administration, or closely related field or discipline, at a nationally accredited
11 institution; and

12 (c) have no felony, domestic or family violence conviction; and

13 (d) submit to and pass a drug screening test, including, but not limited
14 to, a urinalysis test.

15 **§ 77110.2. Police Major.**

16 The Chief of Police shall select a "Police Major", who shall be a uniformed
17 classified officer. The Police Major shall meet the following minimum qualifications,
18 experience, and training, in addition to those prescribed by the Department of
19 Administration:

1 (a) graduated with a bachelor's degree in Police Science, Criminal Justice
2 Administration, Public Administration, or closely related field of discipline, at a
3 nationally accredited institution; and

4 (b) must have at least two (2) years of experience in the rank of Police Captain, or
5 equivalent Law Enforcement experience in administration or management level; and

6 (c) other necessary special qualifications as established by Department of
7 Administration not inconsistent with "a" & "b" above.

8 **§ 77110.3. Police Captain.**

9 The Chief of Police shall select a "Police Captain", who shall be a uniformed
10 classified officer. The Police Captain shall meet the following minimum qualifications,
11 experience, and training, in addition to those prescribed by the Department of Labor:

12 (a) graduation with a bachelor's degree in Police Science, Criminal Justice
13 Administration, Public Administration, or closely related field of discipline at a
14 nationally accredited institution; and

15 (b) must have at least two (2) years of experience in the rank of Police Lieutenant,
16 or equivalent Law Enforcement experience in administration or management level; and

17 (c) other necessary special qualifications as established by Department of
18 Administration not inconsistent with "a" & "b" above.

19 **§ 77110.4. Police Lieutenant.**

1 The Chief of Police shall select a "Police Lieutenant", who shall be a uniformed
2 classified officer. The Police Lieutenant shall meet the following minimum
3 qualifications, experience, and training, in addition to those prescribed by the
4 Department of Labor:

5 (a) graduation with an Associate's Degree in Police Science, Criminal Justice
6 Administration, Public Administration, or closely related field of discipline at a
7 nationally accredited institution, or successful completion of not less than 75 college
8 credits 75% of which are in the field of Law Enforcement, Public Safety, or closely
9 related field of discipline at a nationally accredited institution; and

10 (b) must have at least two (2) years of experience in the rank of Police Sergeant II,
11 or equivalent supervisory experience, or must have at least four (4) years of experience
12 in the rank of Police Sergeant I, or equivalent supervisory experience; and

13 (c) other necessary special qualifications as established by Department of
14 Administration not inconsistent with "a" & "b" above."



SENATOR MATT RECTOR

Chairman, Committee on labor, the public structure, public libraries and technology

I Mina' Trenta na Liheslaturan Guahan

Thirtieth Guam Legislature



April 8, 2009

MEMORANDUM

To: All Members/Senators
Committee on Labor, the Public Structure, Public Libraries and Technology

From: Senator Matt Rector
Chairman

Subject: **Notice of Public Hearing – Wednesday, April 15, 2009 – 5:30 p.m.**

Please be advised that the Committee on Labor, the Public Structure, Public Libraries and Technology will be conducting a public hearing on Wednesday, April 15, 2009 beginning at 5:30 p.m. in the Legislature's Public Hearing Room. On the Agenda are the following:

Bill No. 92 (COR) An Act To Restore Certain Jurisdictions And Clarify Certain Functions Of The Civil Service Commission By Repealing And Reenacting Title 4 GCA §§ 4403, 4408, 4409, And 5105; Subitems (b) And (c) Of Title 4 GCA § 4405; And New §§ 4410 And 4411.

Bill No. 91 (COR) An Act To Restore The Authorized Powers And Personnel Of The Civil Service Commission And Judicial Council, By Repealing Subsection 2(C) Of Chapter 11, Public Law 28-68 And Sections 31 Through 48, Inclusive, Of Chapter IV Of Public Law 28-68 The General Appropriations Act Of Fiscal Year 2006 And Amending 7 GCA §5102 Section (F) And Adding A New Section (i) To 4 GCA 4403 Duties Of The Commission.

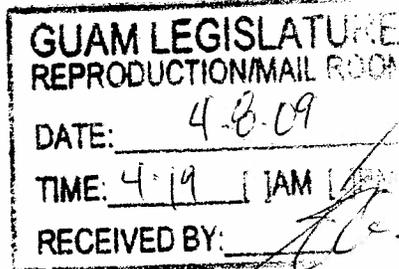
Bill No. 60 (COR) An Act To Established Minimum Qualifications For Management Level Uniform Positions In The Guam Police Department, By Adding New Subsections 77110.2, 77110.3, And 77110.4 To 10 GCA, Chapter 77, Section 77110, Appointment Of Deputy Chief Of Police.

Copies of the Bills mentioned above may be found on the official Guam Legislature website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Justin Parvin or Fred Burgos at 734-6288.

I look forward to your attendance during this hearing. Should you have any questions, suggestions or comments concerning the hearing, please feel free to share them with me. *Si Yu'os Ma'ase!*

Senseramente

cc: Clerk of Legislature
Executive Director
Protocol
Audio/Video
All Media



MATT RECTOR

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Justin

From: therese@mattrector.com
Sent: Wednesday, April 08, 2009 6:09 PM
To: life@guampdn.com; msilva@spbguam.com; jtyquiengco@spbguam.com; kevin@spbguam.com; rgibson@spbguam.com; parroyo@spbguam.com; blognews@aflcio.org; info@chinesetimesguam.com; fnhp-general@aftlists.aft.org; georgebamba@hotmail.com; gerry@mvguam.com; hr100prod@hitradio100.com; anitra@kuam.com; csanagustin@kuam.com; kprg@guam.net; ksto@ite.net; kstonews@ite.net; miguel@ktkb.com; krisgaza@yahoo.com; hottips@kuam.com; newsdirector@kuam.com; tony@kuam.com; jason@kuam.com; annie@kuam.com; bettyann@kuam.com; amier@mvguam.com
Subject: 1st Notice of Public Hearing – Wednesday, April 15, 2009 – 5:30 p.m. Committee on Labor, the Public Structure, Public Libraries and Technology
Attachments: _AVG certification_.txt

April 8, 2009
For Immediate Release

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The committee requests that, if written testimony is to be presented at the hearing, copies be submitted one day prior to the public hearing date to the Office of Senator Matt Rector via fax to 734-8085 or email to Matt@MattRector.com.

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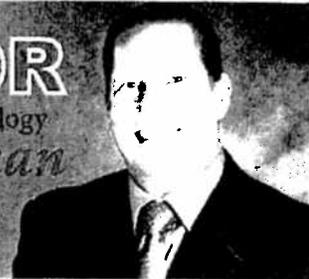


SENATOR MATT RECTOR

Chairman, Committee on labor, the public structure, public libraries and technology

I Mina' Trenta na Liheslaturan Guahan

Thirtieth Guam Legislature



April 13, 2009

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To: All Members/Senators
 Committee on Labor, the Public Structure, Public Libraries and Technology

From: Senator Matt Rector
 Chairman

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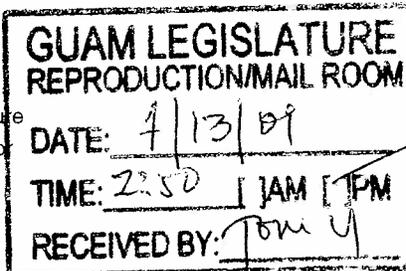
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cc: Clerk of Legislature
 Executive Director
 Protocol
 Audio/Video
 All Media



Senseramente

MATT RECTOR

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Justin

From: therese@mattrector.com
Sent: Monday, April 13, 2009 4:05 PM
To: life@guampdn.com; msilva@spbgum.com; jtyquiengco@spbgum.com; kevin@spbgum.com; rgibson@spbgum.com; parroyo@spbgum.com; blognews@afcio.org; info@chinesetimesguam.com; fnhp-general@aftlists.aft.org; georgebamba@hotmail.com; gerry@mvguam.com; hr100prod@hitradio100.com; anitra@kuam.com; csanagustin@kuam.com; kprg@guam.net; ksto@ite.net; kstone@ite.net; miguel@ktkb.com; krisgaza@yahoo.com; hottips@kuam.com; newsdirector@kuam.com; tony@kuam.com; jason@kuam.com; annie@kuam.com; bettyann@kuam.com; amier@mvguam.com
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Attachments: _AVG certification_.txt

April 13, 2009
For Immediate Release

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

Bill No. 60(COR)

Introduced by:

Adolpho B. Palacios, Sr.



AN ACT TO ESTABLISH MINIMUM QUALIFICATIONS
FOR MANAGEMENT LEVEL UNIFORMED POSITIONS IN
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2009 FEB 11 PM 2:22 MLC

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2 amended by adding new subsections 77110.2, 77110.3, and 77110.4, to read as follows:

3 **§ 77110.1. Police Commander.**

4 The Chief of Police shall select a *Police Commander*, who shall be a uniformed
5 classified officer to hold the rank of Colonel. The Police Commander shall meet the
6 following minimum qualifications, in addition to those prescribed by the Director of
7 Administration:

8 (a) be at least thirty (30) years of age; and

9 (b) graduated with a bachelor’s degree in Police Science, Criminal Justice
10 Administration, or closely related field or discipline, at a nationally accredited
11 institution; and

12 (c) have no felony, domestic or family violence conviction; and

13 (d) submit to and pass a drug screening test, including, but not limited
14 to, a urinalysis test.

15 **§ 77110.2. Police Major.**

16 The Chief of Police shall select a “Police Major”, who shall be a uniformed
17 classified officer. The Police Major shall meet the following minimum qualifications,
18 experience, and training, in addition to those prescribed by the Department of
19 Administration:

1 (a) graduated with a bachelor's degree in Police Science, Criminal Justice
2 Administration, Public Administration, or closely related field of discipline, at a
3 nationally accredited institution; and

4 (b) must have at least two (2) years of experience in the rank of Police Captain, or
5 equivalent Law Enforcement experience in administration or management level; and

6 (c) other necessary special qualifications as established by Department of
7 Administration not inconsistent with "a" & "b" above.

8 **§ 77110.3. Police Captain.**

9 The Chief of Police shall select a "Police Captain", who shall be a uniformed
10 classified officer. The Police Captain shall meet the following minimum qualifications,
11 experience, and training, in addition to those prescribed by the Department of Labor;

12 (a) graduation with a bachelor's degree in Police Science, Criminal Justice
13 Administration, Public Administration, or closely related field of discipline at a
14 nationally accredited institution; and

15 (b) must have at least two (2) years of experience in the rank of Police Lieutenant,
16 or equivalent Law Enforcement experience in administration or management level; and

17 (c) other necessary special qualifications as established by Department of
18 Administration not inconsistent with "a" & "b" above.

19 **§ 77110.4. Police Lieutenant.**

1 The Chief of Police shall select a "Police Lieutenant", who shall be a uniformed
2 classified officer. The Police Lieutenant shall meet the following minimum
3 qualifications, experience, and training, in addition to those prescribed by the
4 Department of Labor:

5 (a) graduation with an Associate's Degree in Police Science, Criminal Justice
6 Administration, Public Administration, or closely related field of discipline at a
7 nationally accredited institution, or successful completion of not less than 75 college
8 credits 75% of which are in the field of Law Enforcement, Public Safety, or closely
9 related field of discipline at a nationally accredited institution; and

10 (b) must have at least two (2) years of experience in the rank of Police Sergeant II,
11 or equivalent supervisory experience, or must have at least four (4) years of experience
12 in the rank of Police Sergeant I, or equivalent supervisory experience; and

13 (c) other necessary special qualifications as established by Department of
14 Administration not inconsistent with "a" & "b" above."