



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

2010 FEB -1 PM 1:45 W

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

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

30-10-0100
FEB 01 2010
Office of the Speaker
9:18 2/1/10

Dear Speaker Won Pat:

Transmitted herewith is Bill No.108 (COR) "AN ACT TO RE-ESTABLISH THE GUAM COMMUNITY POLICE REVIEW COMMISSION AS PROVIDED IN CHAPTER 78, TITLE 10, GUAM CODE ANNOTATED; TO AMEND §78105 AND §78108(a) OF CHAPTER 78, TITLE 10, GUAM CODE ANNOTATED, AND TO ADDE A NEW §78126 TO CHAPTER 78, TITLE 10, GUAM CODE ANNOTATED" now designated as **Public Law 30-76.**

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

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

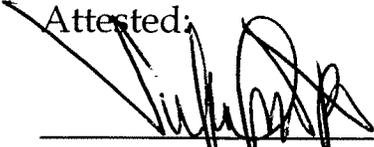
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 108-30 (COR), "AN ACT TO RE-ESTABLISH THE GUAM COMMUNITY POLICE REVIEW COMMISSION AS PROVIDED IN CHAPTER 78, TITLE 10, GUAM CODE ANNOTATED; TO AMEND §78105 AND §78108 (a) OF CHAPTER 78, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW §78126 TO CHAPTER 78, 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 22ND day of January, 2010, 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
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 26 day of January, 2010, at 11:20 o'clock A.M.



Assistant Staff Officer
Maga'lahaen's Office

Public Law No. 30-76

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

Bill No. 108-30 (COR)

As substituted by the Committee on Public Safety,
Law Enforcement and Senior Citizens and
amended on the Floor.

Introduced by:

v. c. pangelinan
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
Matt Rector
R. J. Respicio
Ray Tenorio
Telo Taitague
Judith T. Won Pat, Ed.D.

AN ACT TO *RE-ESTABLISH* THE GUAM COMMUNITY POLICE REVIEW COMMISSION AS PROVIDED IN CHAPTER 78, TITLE 10, GUAM CODE ANNOTATED; TO *AMEND* §78105 AND §78108 (a) OF CHAPTER 78, TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW §78126 TO CHAPTER 78, 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 the public has the right to expect all law enforcement personnel, particularly

1 the police officers within the Guam Police Department (Department) to adhere to a
2 professional standard of conduct and all laws governing the island and its residents.
3 Model policies and guidelines may exist in the police department to deter and
4 punish misconduct, *however*, such standards, without objective and aggressive
5 enforcement and compliance, will be rendered ineffective. Silence and
6 unresponsiveness, perceived or real, undermines the community-police relations,
7 and erodes the public's trust and confidence in those who are empowered to protect
8 them, their families and their properties.

9 Conversely, the rights and dignity of each accused personnel of the
10 Department must *not* be compromised, but protected in all cases. Unprofessional
11 and transgressing officers are an exception and *not* the rule. Those officers who
12 demonstrate signs of aberrant behaviors must be dealt with in a timely fashion so
13 that the collective public image of and confidence in the Department is *not*
14 perverted.

15 *I Liheslaturan Guåhan* further finds that Public Law 24-23, which
16 established the Department and stipulates the process by which alleged violations
17 of the law on the part of a police officer *or* an employee of the Department *shall* be
18 investigated, is deficient. Currently, any person may file with any police officer a
19 complaint alleging the commission of a crime on the part of a police officer *or*
20 employee of the Department. The alleged violations are then forwarded to the
21 Internal Affairs unit of the Department. However, the fear of possible intimidation
22 and reprisal by imputed officers and the impression, whether legitimate *or not*, that
23 the Department is apathetic to public accusations against one of their own,
24 discourages the members of our community from reporting police misconduct.

25 Innate reluctance on the part of officers to report abuse *or* participate in
26 detailed investigation of an allegation against one of their own, *or* breaking the
27 "code of silence" due to prospective retaliation against deemed whistle-blowers *or*

1 participants, renders it difficult for the effective enforcement of this process.
2 Finally, the Office of the Attorney General, including its prosecutors, is placed in a
3 difficult position of investigating the same police officers it relies on for evidence
4 in other criminal cases. Thus, the investigations are frequently and unjustly
5 perceived by the public as being covered up and biased.

6 Maintenance of community credibility and restoration of the public trust
7 begins with and hinges on police accountability and aggressive enforcement of
8 internal policies to regulate those who protect our lives and our properties. Such a
9 process would insure public confidence in the impartiality of the investigation
10 process and results, and more importantly, in the administration of justice by our
11 men and women in blue.

12 It is the intent of *I Liheslaturan Guåhan* to provide a practicable and
13 accessible means for the intake and processing of complaints against employees of
14 the Department, to inquire into such complaints and, when necessitated, to conduct
15 prompt and impartial investigations of legitimate public, criminal and other
16 accusations of misconduct against police officers and other employees of the
17 Department through direct community participation, while ensuring the rights and
18 dignity of each employee alleged to be in violation of the laws of Guam of any
19 standard of conduct that he or she is required to adhere to. A community police
20 review commission, composed of civilians with the authority to carry out
21 independent investigations, but without any dependence on *or* conflict of interest
22 with these closely linked law enforcement agencies, would be best able to make an
23 objective determination and recommendation as to the disposition of the complaint.

24 The Guam Community Police Review Commission was established in
25 Public Law 25-46, however, it was abolished pursuant to Public Law 26-76 for
26 failing to meet in over twelve (12) months.

1 *I Liheslaturan Guåhan* intends to ensure that the rights and dignity of each
2 accused employee of the Department are protected with the institution and
3 implementation of a clear and impartial investigative process.

4 It is, therefore, the intent of *I Liheslaturan Guåhan* to re-establish the Guam
5 Community Police Review Commission to comply with the provisions of its
6 mandate.

7 **Section 2. Re-establishment.** Chapter 78, Title 10, Guam Code
8 Annotated, as enacted by P.L. 25-46, is hereby *re-established* in its entirety.

9 **Section 3.** §78105 of Chapter 78, Title 10, Guam Code Annotated, is
10 hereby *amended* to read:

11 “**§78105. Quorum.** A majority of the members of the Commission
12 *shall* constitute a quorum for the transaction of business, and the
13 concurrence of a majority of the members *shall* be necessary to make any
14 action of the Commission valid. No action *shall* be taken by the
15 Commission at any meetings or hearings, *unless* a quorum is present.”

16 **Section 4.** §78108 (a) of Chapter 78, Title 10, Guam Code Annotated, is
17 hereby *amended* to read:

18 “(a) to receive complaints of the following alleged misconduct and
19 actions directed against the Department and any of its employees and to
20 fully and completely investigate said complaints:

- 21 (1) use of excessive or deadly force;
- 22 (2) injuries to, or death of, a person while under the custody
23 of the Guam Police Department;
- 24 (3) discrimination in the provision of police services, or
25 other discriminatory conduct, on the basis of sex, race, color,
26 ethnicity, creed, religion, national origin, sex, sexual
27 preference, disability or age and other violations of civil rights;

- 1 (4) theft;
- 2 (5) any other crime or misconduct which constitutes a felony
- 3 or felonies under the laws applicable to Guam; *and*
- 4 (6) any other crime or misconduct involving *more than one*
- 5 (1) employee.”

6 **Section 5.** A new §78126 is hereby *added* to Chapter 78, Title 10, Guam
 7 Code Annotated, to read:

8 “§78126. **Review.** Upon the enactment of this bill into law
 9 and immediately following the re- establishment of the Commission,
 10 the Commission *shall* review Chapter 78 in its entirety and submit its
 11 recommendations to *I Liheslaturan Guåhan* within one hundred
 12 twenty (120) days. In particular, the Commission *shall* review
 13 §78119; *shall* consider office space and budgetary needs; and *shall*
 14 consider the implications of its action on the Civil Service
 15 Commission’s adverse action procedures.”

16 **Section 6. Severability.** *If* any provision of this Law or its application to
 17 any person or circumstance is found to be invalid or contrary to law, such
 18 invalidity shall *not* affect other provisions or applications of this Law, which can
 19 be given effect without the invalid provisions or applications, and to this end the
 20 provisions of this Law are severable.



Overridden

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

Date: 1/22/10

VOTING SHEET

Vetoed Bill No. 108-30(COR)

Resolution No. _____

Question: "Notwithstanding the objections of I Maga'lahaen Guahan, should
Vetoed Bill No. 108-30(COR) be overridden?"

<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	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo //		✓			
TENORIO, Ray		✓			
WON PAT, Judith T.	✓				

TOTAL

11 3

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date: 11/25/09
Time: 3:29 PM
Received by: [Signature]

30-09-1392

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

NOV 25 2009

2009 NOV 27 PM 2:00 [Signature]

Dear Speaker Won Pat:

Submitted herewith is Bill No. 108-30 (COR), "AN ACT TO RE-ESTABLISH THE GUAM COMMUNITY POLICE REVIEW COMMISSION AS PROVIDED IN CHAPTER 78, TITLE 10, GUAM CODE ANNOTATED; TO AMEND §78105 AND §78108(a) OF CHAPTER 78, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW §78126 TO CHAPTER 78, TITLE 10, GUAM CODE ANNOTATED," which I have vetoed.

Bill No. 108-30 establishes another layer of bureaucracy without funding to support the measure's mandate. The Bill proposes to re-establish a police review commission to provide a function currently performed by the Guam Police Department's Internal Affairs Unit.

Guam law currently mandates all written complaints against an officer for misconduct and criminal offense be forwarded to Internal Affairs Unit and the Attorney General. The reason for the Bill's redundant process was a perceived fear of intimidation and conflict of interest. The bill ignores the good work of the Internal Affairs Unit and the availability of other resources such as the appointment of a special prosecutor. Moreover, courts have awarded significant civil rights judgments to victims of police misconduct and brutality. As an example of the effectiveness of the system, the Attorney General's office is currently prosecuting a police brutality case against Guam Police Department officers.

Yet, this Bill proposes to re-establish a commission with investigatory functions without an appropriation. Without adequate funding, complainants would only be frustrated with the process due to the lack of investigators to obtain and verify the facts and lawyers and other professionals properly equipped to apply the law, rules, regulations and procedures appropriately to the facts. Unlike Internal Affairs and the Attorney General's Office (hereinafter referred to as "AGO"), the Commission does not have the necessary professional resources to fairly make a determination as required under Section 4 of the Bill. The determination of a person's guilt should only be made by those properly trained and equipped such as Internal Affairs and the AGO. Although, Internal Affairs and the AGO are more aptly trained and equipped to make

determinations of guilt, these matters must still be brought before the court for a final determination. The Bill gives the Commission this tremendous authority which may lead to unsubstantiated determinations of misconduct or criminal activity that would be deemed final.

Another fatal outcome would be the probability of exposing confidential information thus jeopardizing criminal investigations and ultimately the safety of officers and informants. Although the concern was presented on several occasions, the Bill does not safeguard against the potential disclosure of confidential information.

While I support the notion of policing Guam's peace officers, there exist current mechanisms to investigate and penalize criminal misconduct by our officers, thus minimizing the need to establish another board.

Sinseru yan Magåhet,

A handwritten signature in black ink, appearing to read 'Felix P. Camacho', with a long, sweeping horizontal stroke extending to the right.

FELIX P. CAMACHO
I Maga' Låhen Guahan
Governor of Guam

Attachment

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

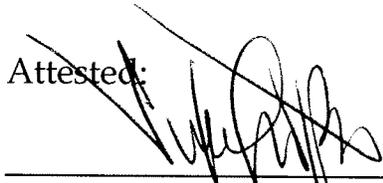
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

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Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 13 day of Nov, 2009, at
1:30 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 108-30 (COR)

As substituted by the Committee on Public Safety,
Law Enforcement and Senior Citizens and
amended on the Floor.

Introduced by:

v. c. pangelinan
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
M. J. Rector
R. J. Respicio
Ray Tenorio
Telo Taitague
Judith T. Won Pat, Ed.D.

**AN ACT TO *RE-ESTABLISH* THE GUAM COMMUNITY
POLICE REVIEW COMMISSION AS PROVIDED IN
CHAPTER 78, TITLE 10, GUAM CODE ANNOTATED; TO
AMEND §78105 AND §78108 (a) OF CHAPTER 78, TITLE 10,
GUAM CODE ANNOTATED; AND TO *ADD* A NEW §78126
TO CHAPTER 78, 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 the public has the right to expect all law enforcement personnel, particularly
4 the police officers within the Guam Police Department (Department) to adhere to a
5 professional standard of conduct and all laws governing the island and its residents.

1 Model policies and guidelines may exist in the police department to deter and
2 punish misconduct, *however*, such standards, without objective and aggressive
3 enforcement and compliance, will be rendered ineffective. Silence and
4 unresponsiveness, perceived or real, undermines the community-police relations,
5 and erodes the public's trust and confidence in those who are empowered to protect
6 them, their families and their properties.

7 Conversely, the rights and dignity of each accused personnel of the
8 Department must *not* be compromised, but protected in all cases. Unprofessional
9 and transgressing officers are an exception and *not* the rule. Those officers who
10 demonstrate signs of aberrant behaviors must be dealt with in a timely fashion so
11 that the collective public image of and confidence in the Department is *not*
12 perverted.

13 *I Liheslaturan Guåhan* further finds that Public Law 24-23, which
14 established the Department and stipulates the process by which alleged violations
15 of the law on the part of a police officer *or* an employee of the Department *shall* be
16 investigated, is deficient. Currently, any person may file with any police officer a
17 complaint alleging the commission of a crime on the part of a police officer *or*
18 employee of the Department. The alleged violations are then forwarded to the
19 Internal Affairs unit of the Department. However, the fear of possible intimidation
20 and reprisal by imputed officers and the impression, whether legitimate *or not*, that
21 the Department is apathetic to public accusations against one of their own,
22 discourages the members of our community from reporting police misconduct.

23 Innate reluctance on the part of officers to report abuse *or* participate in
24 detailed investigation of an allegation against one of their own, *or* breaking the
25 "code of silence" due to prospective retaliation against deemed whistle-blowers *or*
26 participants, renders it difficult for the effective enforcement of this process.
27 Finally, the Office of the Attorney General, including its prosecutors, is placed in a

1 difficult position of investigating the same police officers it relies on for evidence
2 in other criminal cases. Thus, the investigations are frequently and unjustly
3 perceived by the public as being covered up and biased.

4 Maintenance of community credibility and restoration of the public trust
5 begins with and hinges on police accountability and aggressive enforcement of
6 internal policies to regulate those who protect our lives and our properties. Such a
7 process would insure public confidence in the impartiality of the investigation
8 process and results, and more importantly, in the administration of justice by our
9 men and women in blue.

10 It is the intent of *I Liheslaturan Guåhan* to provide a practicable and
11 accessible means for the intake and processing of complaints against employees of
12 the Department, to inquire into such complaints and, when necessitated, to conduct
13 prompt and impartial investigations of legitimate public, criminal and other
14 accusations of misconduct against police officers and other employees of the
15 Department through direct community participation, while ensuring the rights and
16 dignity of each employee alleged to be in violation of the laws of Guam of any
17 standard of conduct that he or she is required to adhere to. A community police
18 review commission, composed of civilians with the authority to carry out
19 independent investigations, but without any dependence on *or* conflict of interest
20 with these closely linked law enforcement agencies, would be best able to make an
21 objective determination and recommendation as to the disposition of the complaint.

22 The Guam Community Police Review Commission was established in
23 Public Law 25-46, however, it was abolished pursuant to Public Law 26-76 for
24 failing to meet in over twelve (12) months.

25 *I Liheslaturan Guåhan* intends to ensure that the rights and dignity of each
26 accused employee of the Department are protected with the institution and
27 implementation of a clear and impartial investigative process.

1 It is, therefore, the intent of *I Liheslaturan Guåhan* to re-establish the Guam
2 Community Police Review Commission to comply with the provisions of its
3 mandate.

4 **Section 2. Re-establishment.** Chapter 78, Title 10, Guam Code
5 Annotated, as enacted by P.L. 25-46, is hereby *re-established* in its entirety.

6 **Section 3.** §78105 of Chapter 78, Title 10, Guam Code Annotated, is
7 hereby *amended* to read:

8 “§78105. **Quorum.** A majority of the members of the Commission
9 *shall* constitute a quorum for the transaction of business, and the
10 concurrence of a majority of the members *shall* be necessary to make any
11 action of the Commission valid. No action *shall* be taken by the
12 Commission at any meetings or hearings, *unless* a quorum is present.”

13 **Section 4.** §78108 (a) of Chapter 78, Title 10, Guam Code Annotated, is
14 hereby *amended* to read:

15 “(a) to receive complaints of the following alleged misconduct and
16 actions directed against the Department and any of its employees and to
17 fully and completely investigate said complaints:

- 18 (1) use of excessive or deadly force;
- 19 (2) injuries to, or death of, a person while under the custody
20 of the Guam Police Department;
- 21 (3) discrimination in the provision of police services, or
22 other discriminatory conduct, on the basis of sex, race, color,
23 ethnicity, creed, religion, national origin, sex, sexual
24 preference, disability or age and other violations of civil rights;
- 25 (4) theft;
- 26 (5) any other crime or misconduct which constitutes a felony
27 or felonies under the laws applicable to Guam; *and*

1 (6) any other crime or misconduct involving *more than one*
2 (1) employee.”

3 **Section 5.** A new §78126 is hereby *added* to Chapter 78, Title 10, Guam
4 Code Annotated, to read:

5 “§78126. **Review.** Upon the enactment of this bill into law
6 and immediately following the re- establishment of the Commission,
7 the Commission *shall* review Chapter 78 in its entirety and submit its
8 recommendations to *I Liheslaturan Guåhan* within one hundred
9 twenty (120) days. In particular, the Commission *shall* review
10 §78119; *shall* consider office space and budgetary needs; and *shall*
11 consider the implications of its action on the Civil Service
12 Commission’s adverse action procedures.”

13 **Section 6. Severability.** *If* any provision of this Law or its application to
14 any person or circumstance is found to be invalid or contrary to law, such
15 invalidity shall *not* affect other provisions or applications of this Law, which can
16 be given effect without the invalid provisions or applications, and to this end the
17 provisions of this Law are severable.



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

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

**Thirtieth
Guam Legislature**

August 26, 2009

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

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'Trenta na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

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

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

RE: Committee Report – Bill No. 108 (COR)

Dear Speaker Won Pat:

The Committee on Public Safety, Law Enforcement & Senior Citizens, to which was referred **BILL NO. 108 (COR) "AN ACT TO RE-ESTABLISH THE GUAM COMMUNITY POLICE REVIEW COMMISSION AS PROVIDED IN CHAPTER 78, TITLE 10 GUAM CODE ANNOTATED,"** hereby reports out with the recommendation **TO PASS.**

Committee votes are as follows:

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

5

TO PASS

NOT TO PASS

2

TO REPORT OUT ONLY

ABSTAIN

INACTIVE FILE

Sincerely,

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

Chairperson

Attachments

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

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

RECEIVED

DATE: 8-27-09

3:50 PM

2009 AUG 21 AM 9:41



**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. 108 (COR)
Senator vicente "ben" c. pangelinan**

**"AN ACT TO RE-ESTABLISH THE GUAM
COMMUNITY POLICE REVIEW COMMISSION AS
PROVIDED IN CHAPTER 78, TITLE 10 GUAM CODE
ANNOTATED."**



**Thirtieth
Guam Legislature**

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

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

August 12, 2009

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

MEMORANDUM

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

FROM: Chairman, Committee on Public Safety, Law Enforcement, & Senior Citizens *[Signature]*

SUBJECT: Voting Sheet.

Transmitted herewith are the voting sheet and the Committee Report on **BILL NO. 108 (COR) " AN ACT TO RE-ESTABLISH THE GUAM COMMUNITY POLICE REVIEW COMISSION AS PROVIDED IN CHAPTER 78, TITLE 10 GUAM CODE ANNOTATED,"** for your review and vote via signature.

Your attention to this matter is greatly appreciated.

Attachments

Office/Mailing Address: 155 Hesler Pl., Hagatña 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

I Mina'Trenta na Liheslaturan Guåhan

VOTING SHEET ON:

Bill No. 108 (COR): "AN ACT TO RE-ESTABLISH THE GUAM COMMUNITY POLICE REVIEW COMMISSION AS PROVIDED IN CHAPTER 78, TITLE 10 GUAM CODE ANNOTATED."

Table with 7 columns: SENATOR, SIGNATURE, TO PASS, NOT TO PASS, TO REPORT OUT ONLY, ABSTAIN, INACTIVE FILE. Rows include Adolpho B. Palacios, Sr. Chairman, Ray Tenorio Vice Chairman, Speaker Judith T. Won Pat Member, Thomas C. Ada Member, Frank B. Aguon, Jr. Member, Matt Rector Member, Edward J.B. Calvo Member, and James V. Espaldon Member.



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

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

I Mina'Trenta na Liheslaturan Guahan

PUBLIC HEARING

BILL NO. 108 (COR) – AN ACT TO RE-ESTABLISH THE GUAM COMMUNITY POLICE REVIEW COMMISSION AS PROVIDED IN CHAPTER 78, TITLE 10 GUAM CODE ANNOTATED.

I. OVERVIEW

The Committee on Public Safety, Law Enforcement, & Senior Citizens convened the public hearing on June 23, 2009. Hearing began at 9:15 am on Bill No. 108(COR). Notices of the hearing were disseminated to all local media outlets via electronic mail (e-mail) and facsimile on June 9 and on June 18, 2009, pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature's website.

Committee Members and Senators present:

Senator Adolpho B. Palacios, Sr., Chairman

Senator Matt Rector

Senator Vicente C. Pangelinan

Senator Telo Taitague

Individual(s) Registered for oral or written testimony:

1. Mr. James Mitchell, Guam Police Department, Oral testimony
2. Mr. Phil Tydingco, Attorney General's Office, Oral testimony
3. Dr. Ron McNinch, Guam POST instructor, Oral Testimony
4. Mr. Eddie Emmanuel, Oral testimony
5. Mr. Joaquin G. Reyes, Acting Chief of GPD, Written Testimony
6. Mr. Charles Stake, Guam Bar Association, Written Testimony

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. called the Committee on Public Safety, Law Enforcement, and Senior Citizens to order at 9:15am, welcomed and introduced Senators present.

Chairman Palacios recognized the author of the bill, Senator Ben Pangelinan, who gave a brief presentation of the bill. The bill seeks to reenact a law that was enacted in 1999. Everything was in place at that time and we are moving forward. Unfortunately, the Commission was not fully impaneled. Subsequent to this, if any board or commission did not meet that board or commissioned was abolished. Governor Gutierrez did not appoint any members; the Board was not able to hold an official meeting. Thus, the commission was decommissioned. This bill would reenact this Commission established in 1999. The powers of the Commission would include the ability to have a new set of eyes to look into actions of the Department and would give them the necessary powers to conduct hearings. This would enhance community partnership and allow the Guam Police Department (GPD) to get a good seal of approval by the community. It would also allow another avenue for the community to review the actions of police officers and ensures that GPD takes allegations seriously. Ultimately, it would also help restore confidence in the internal affairs of GPD by the community.

Chairman Palacios called those who are present to testify. Chairman Palacios stated that he received notice from the Guam Bar Association that they will submit written testimony at a later date and stated that written testimony would be accepted until July 15, 2009.

Mr. James Mitchell, Legal Counsel, Guam Police Department, Oral Testimony, In Favor. Attorney Mitchell stated that GPD is in support of such a Commission, but also stated that GPD feels singled out apart from other law enforcement entities. He also questioned the composition of the Commission because the statutes do not require Board members with law enforcement backgrounds. He specifically cited §78119, which gives the Commission power to issue a disciplinary action by the Chief of Police. The Chief has the power to issue out a disciplinary action and we think that the Commission should not have the power to override. If the Commission should override the judgment of the Chief, then the employee can take it to Civil Service Commission (CSC). What happens is that an employee will be faced with this option.

Mr. Phil Tydingco, Attorney General's Office, Oral Testimony, In Favor. Mr. Tydingco stated that this bill has been in existence since 1999 and they are in full support of the Commission. He has some questions regarding the Board/Commission before it passes its final draft. He commented on the over-ruling of the Chief of Police with regards to disciplinary action. He stated that there may be a conflict with CSC if they were to issue an opinion: "What happens at Civil Service to the employee?" If the

officer agrees with this disciplinary action, we will have difference in opinions. We have to rethink this through and see how this works out. The other issue at hand is the 35-day investigation in which the Commission must act on all claims. How would this mesh with the 60-day rule? The other more practical issue would be funding. Looking at this bill, it could be a "gypsy commission" that needs to find a home. If there is an agency that is tied to this Commission, the agency will have to support it. They need to have a home/office to keep their records, etc. As a matter of practicality, it can be hard to get off the ground because special attorneys and special investigators will be costly to the Commission.

Chairman Palacios made notice of §78119 of the legislation which states that it is not appealable to the Civil Service Commission. However, appeals can still be made to Civil Service. When a complaint is sustained by the Commission, facts and findings will be made to the Chief of the Police. From there, if there is a difference in opinion, the Commission will have the final say so which is appealable to the CSC. §78119, provides a relaxed atmosphere to present employees' grievances. This is currently lacking now at GPD. I have noticed that people come to the office of the Senators which would listen to the complaints of the people. The Commission would be the right body to look at the issue of the complaining individual.

Chairman Palacios then allowed Senators to give comments and/or questions.

Senator Ben Pangelinan stated with regards to §78119, the intent would be a change in findings or punishment. If there is a disagreement on a decision made, the Commission's decision shall stand. In this regard, it is the Commission's decision to stand. The Commission will do the over-ruling of its decision. If it goes to the Civil Service, it would be the Commission's decision to be appealed.

Concerning the 35/60 day rule, we will look at how the Commission takes the opportunity to review the actions of GPD. People are frustrated because they have no where to go. People must have some confidence when they talk to the Senators, because this is where the checks and balances occur. What we want is something dispassionate of the internal affairs of GPD and how it treats alleged violations by Guam Police Officers. Why is it necessary to have Deputy Chiefs of Police then? Was this done to support the work of the Chief?

Mr. Mitchell responded that GPD's internal affairs section tries to be very objective. Yet no matter how objective one can be, there will always be some criticism and we welcome this Commission to sort complaints out. Complainants do get feedback on their files. We send them a letter once the investigation is completed and if whether it is sustained or not sustained. We don't tell them what kind of punishment is administered for wrong doings by our police officers because of confidentiality matters.

In terms of the 60-day rule, when the Commission makes the decision, this is where the 60-day rule would not be a problem. Why not make this part of the POST commission's objectives that could be merged? In terms of funding, I agree with Phil Tydingco. We have to take a look at funding. Whatever happened in the past, perhaps there was no funding for this Commission. There were no appointments made by the Governor. Funding needs to be addressed.

Senator Matt Rector stated that it is an interesting thing and it's a shame that the people who would be affected are not here to testify. Why is GPD feeling this way? Civil Service Commission would be more productive to spread it out with all agencies and all law enforcement? We currently have about 307 police officers, with the other agencies, it would help to broaden the scope of this Commission to include other agencies (i.e. Port and Airport Police, Customs and Quarantine, and CSC). He stated that Airport Police deals with the general public. Have you looked at other boards and is it acting like a quasi-labor board? However, this process looks like it will take two years to do something about this Commission. The period of limitations is that no one can complain for 120 days. I worry about the nuts and bolts of this which could be messy, especially with regards to Civil Service. People can be ashamed and shy to come forward.

Senator Ben Pangelinan stated that this is not at all any labor board or its intention to conduct any kind of investigation into working conditions. It is an avenue for the general public for them to have an open and relaxed board so that complaints could be properly reviewed. It is meant to be reviewing the internal affairs of GPD. It also allows the individual to go directly to the Commission.

Mr. Phil Tydingco stated this board should be limited to just GPD because they will have enough to work on. The Police Commission should be involved with GPD. Other law enforcement is restricted to their respective departments, (i.e. Port to Port, Airport

to Airport, etc.) It would be nice to expand it, but to be honest; the Community Police Review Commission will have a lot of work on their plate.

Chairman Palacios stated on the issue of 120 days, this could benefit the Commission and the employee after which time no complaint can be raised for an employee. Right now, there are no checks and balances. Chairman Palacios then read about the functions of the Commission for those who are listening on television.

Senator Telo Taitague stated that she loves this bill and thanks Senator Pangelinan to bring this up, especially in light of all the issues that have come about recently within the community. She mentioned that this Commission could be housed by the Chairman of Law Enforcement and Public Safety in conjunction with the Mayors etc. I do have some concerns with GPD to be involved. She asked, "Would the attorney of GPD sit on this commission and would this be a conflict of interest?"

Mr. Mitchell stated that a retired police officer could sit on this Commission, former FBI agents etc. He stated that legal counsel may be involved.

Mr. Tydingco cited §78108 and how it would be important to review this section because our community would like something up front. Some of the categories listed are too broad and too defined. Police commissions investigate the excessive force cases, etc. In the mark-up, it would be helpful to review this section of the bill.

Chairman Palacios stated that with respect to other smaller agencies that have internal problems, there is an internal affairs division such as that of GPD who do the investigation. These smaller agencies could ask the Commission to help review the internal affairs. GPD is very exposed out in the community and they are the first responders in most situations. It may be naturally conducive and the Police Commission can be linked with a MOU. I think that can be a function to provide this kind of service if the Commission so chooses. If we place this into statute by expanding the other agencies, it can be complicated and may pose a problem.

Senator Pangelinan agrees with the Chairman to limiting the scope to GPD. It is intended for the avenue with the community who engages directly with this Department. He stated that he thought about expanding it, however, it was best to leave it with GPD. He remains committed to limiting it to GPD.

Dr. Ron McNinch, UOG Professor, Oral testimony. I am the pro-bono professor of the Guam POST. Phil Tydingco is the Chair of the Commission. This bill is supported and needs a few changes here and there. There is a very old concept in government: who guards the guardians in government? The membership of this Commission should be vetted, but other types of pre selection criteria – what other suggestions. For all police officers, there is a character criterion. The public needs an inspector general function and it would be the most convenient to handle the complaints. An inspector general serves a more external affair such as this Commission.

Senator Pangelinan stated that if you do an inspector general, it becomes internalized and this whole concept of the Commission is contrary to having a community panel. It is how to get someone outside the commission and to have another review of the decisions of the Police officers. It is not meant to be internal at all. When members of the public believe that an officer that has crossed that lined, then something needs to be done and the Commission would be the natural place to go to in order that there is objectivity.

Chairman Palacios stated that we have to maintain focus on the fact that the commission is for the convenience of the public to register their grievance. One is to provide convenience in a simplified fashion to register their complaint and to believe in the commission to do an objective evaluation. Their confidence has been shaken, with the indictment of 9 officers, the brutality and lawsuit with an occurrence in Inarajan. We need an investigatory arm and the commission is primarily for the public. This is important to pursue and would help GPD and its credibility in the community.

Senator Rector stated that going back to the duties of the commission, some of these duties are administrative duties. How are court cases handled?

Mr. Tydingco stated that nothing in this section would be included to a criminal investigation. A mark-up session would really tighten it and the Attorney General looks forward to more input. It wouldn't preclude a criminal investigation. The traditional commission review is for the public to have a clearer review of conduct.

Mr. Eddie Emmanuel, Public School Teacher, Oral testimony, In favor. Mr. Emmanuel stated that he is a public school teacher who has never been arrested and his children have never been arrested. He is in favor of the bill and it is long overdue. My

friends in the community have had problems with GPD. They would report this to internal affairs and then run to the senators. An outside review of internal affairs and my circle of friends are in support of it. I think it is important to keep law enforcement out of the Commission. If we are to present ourselves to the community, there wouldn't be any biases or conflict of interests; it would always be objective if we have this in place.

Chairman Palacios concluded the hearing and requested that written testimony be submitted within the next ten (10) days. Chairman Palacios stated that the Guam Bar Association would like to provide written testimony. The Committee will receive written testimonies up to July 15, 2009. He adjourned the hearing at 10:25am.

III. WRITTEN TESTIMONIES

Mr. Joaquin Reyes, Acting Chief of Police, Guam Police Department, Written Testimony Received June 22, 2009, Hand Delivery, In Favor

Mr. Reyes states that GPD has been in favor of the Guam Community Police Review Commission, but wonders why the Commission is only applicable to GPD and not other law enforcement agencies. He also states that GPD notes that none of the Commission's members will be required to have a law enforcement background. GPD firmly believes that the Commission must have some individual members with law enforcement backgrounds in order that it has a broad understanding of the issues before it. GPD also believes that department heads are in the best position to mete out discipline among a department's employees as opposed to a Commission who will look into one incident. *(Please see attached written testimony.)*

Mr. Charles Stake, Guam Bar Association, Written Testimony Received July 13 & July 15, 2009 via E-mail, In Favor

On July 13, 2009 Mr. Stake stated that a Police Review Commission with statutory authority to review citizen complaints against all of Guam's local law enforcement agencies can have a positive impact. However, it can be a complicated endeavor to get it right. Most reasonable people can agree on the broad theory of the law being proposed. Conversely things can go very wrong in the practical implementation phase. Confidential information may become a matter of public record and available to the general public. While he is in support of the high minded goal of the legislation and the good faith effort it represents, he also stated to use caution because of the potentials of creating more problems than it solves. On July 15, 2009 Mr. Stake expressing that his

earlier comments on July 13, 2009 was simply complying with the Bar's request and providing his own personal viewpoints with regards to a Police Review Commission and how this may in fact result in exposing confidential information, jeopardize investigations and affect the personal safety of officers and informants. He has no information on any alleged irregularities. *(Please see attached written testimonies.)*

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety, Law Enforcement, & Senior Citizens finds that Bill No.108 (COR) intends to ensure that the rights and dignity of each accused employee of the Guam Police Department are protected with the institution and implements a clear and impartial investigative process. The bill will re-establish the Guam Community Police Review Commission to comply with the provisions of its mandate of Chapter 78 of Title 10 Guam Code Annotated. The appointments of the commission will be made by the Administration, the Speaker of the Guam Legislature, the Mayor's Council and the Guam Bar Association.

Accordingly, the Committee on Public Safety, Law Enforcement, & Senior Citizens to which **Bill No. 108(COR)** was referred does hereby submit its findings and recommendations to *I Mina'Trenta na Liheslaturan Guåhan TO PASS* Bill No. 108 (COR), **"AN ACT TO RE-ESTABLISH THE GUAM COMMUNITY POLICE REVIEW COMMISSION AS PROVIDED IN CHAPTER 78, TITLE 10 GUAM CODE ANNOTATED."**

I MINA TRENTA NA LIHESLATURAN GUÅHAN
2009 (First) Regular Session

Bill No. 108-30 (COR)
As Substituted by the Committee
on Public Safety, Law Enforcement and
Senior Citizens

Introduced by:

v.c. pangelinan

**AN ACT TO RE-ESTABLISH THE GUAM
COMMUNITY POLICE REVIEW COMMISSION AS
PROVIDED IN CHAPTER 78, TITLE 10 GUAM CODE
ANNOTATED; TO AMEND §78105 AND §78108 (a) OF
CHAPTER 78, TITLE 10 GUAM CODE ANNOTATED;
AND TO ADD A NEW §78126 TO CHAPTER 78, TITLE
10 GUAM CODE ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
2 the public has the right to expect all law enforcement personnel, particularly the police
3 officers within the Guam Police Department (“Department”) to adhere to a professional
4 standard of conduct and all laws governing the island and its residents. Model policies
5 and guidelines may exist in the police department to deter and punish misconduct,
6 *however*, such standards, without objective and aggressive enforcement and compliance,
7 will be rendered ineffective. Silence and unresponsiveness, perceived or real,
8 undermines the community-police relations, and erodes the public’s trust and confidence
9 in those who are empowered to protect them, their families and their properties.

10 Conversely, the rights and dignity of each accused personnel of the Department
11 must *not* be compromised, but protected in all cases. Unprofessional and transgressing
12 officers are an exception and *not* the rule. Those officers who demonstrate signs of

1 aberrant behaviors must be dealt within a timely fashion so that the collective public
2 image of and confidence in the Department is *not* perverted.

3 *I Liheslaturan Guåhan* further finds that Public Law 24-23, which established the
4 Department and stipulates the process by which alleged violations of the law on the part
5 of a police officer or an employee of the Department shall be investigated, is deficient.
6 Currently, any person may file with any police officer a complaint alleging the
7 commission of a crime on the part of a police officer or employee of the Department.
8 The alleged violations are then forwarded to the Internal Affairs unit of the Department.
9 However, the fear of possible intimidation and reprisal by imputed officers and the
10 impression, whether legitimate or not, that the Department is apathetic to public
11 accusations against one of their own, discourages the members of our community from
12 reporting police misconduct.

13 Innate reluctance on the part of officers to report abuse or participate in detailed
14 investigation of an allegation against one for their own, or breaking the “code of silence”
15 due to prospective retaliation against deemed whistle-blowers or participants, renders it
16 difficult for the effective enforcement of this process. Finally, the Office of the Attorney
17 General, including its prosecutors, is placed in a difficult position of investigating the
18 same police officers it relies on for evidence in other criminal cases. Thus, the
19 investigations are frequently and unjustly perceived by the public as being covered up
20 and biased.

21 Maintenance of community credibility and restoration of the public trust begins
22 with and hinges on police accountability and aggressive enforcement of internal policies
23 to regulate those who protect our lives and our properties. Such a process would insure

1 public confidence in the impartiality of the investigation process and results, and more
2 importantly, in the administration of justice by our men and women in blue.

3 It is the intent of *I Liheslaturan Guåhan* to provide a practicable and accessible
4 means for the intake and processing of complaints against employees of the Department
5 to inquire into such complaints and, when necessitated to conduct prompt and impartial
6 investigations of legitimate public, criminal and other accusations of misconduct against
7 police officers and other employees of the Department through direct community
8 participation while ensuring the rights and dignity of each employee alleged to be in
9 violation of the laws of Guam of any standard of conduct that he or she is required to
10 adhere to. A community review commission, composed of civilians with the authority to
11 carry out independent investigations, but without any dependence on or conflict of
12 interest with these closely linked law enforcement agencies, would be best able to make
13 an objective determination and recommendation as to the disposition of the complaint.

14 The Guam Community Police Review Commission was established in Public Law
15 25-46, however was abolished pursuant to Public Law 26-76 for failing to meet in over
16 twelve months.

17 *I Liheslaturan Guåhan* intends to ensure that the rights and dignity of each
18 accused employee of the Department are protected with the institution and
19 implementation of a clear and impartial investigative process.

20 It is therefore the intent of *I Liheslaturan Guåhan* to re-establish the Guam
21 Community Police Review to comply with the provisions of its mandate.

22 **Section 2. Re-establishment.** Chapter 78, Title 10 Guam Code Annotated is
23 hereby re-established in its entirety.

1 **Section 3.** §78105 of Chapter 78, Title 10, Guam Code Annotated, is hereby
2 amended to read:

3 “**§78105. Quorum.** A majority of the members of the Commission present shall
4 constitute a quorum for the transaction of business, and the concurrence of a
5 majority of the members present shall be necessary to make any action of the
6 Commission valid. No action shall be taken by the Commission at any meetings
7 or hearings, *unless* a quorum is present.”

8 **Section 4.** §78108 (a) of Chapter 78, Title 10, Guam Code Annotated, is hereby
9 amended to read:

10 “**§78108. Authority and Duties.** The Commission shall have the following
11 authority and duties:

12 (a) to receive complaints of the following alleged misconduct and actions directed
13 against the Department and any of its employees and to fully and completely
14 investigate said complaints:

15 (1) use of excessive or deadly force;

16 (2) injuries to or death of a person while under the custody of the Guam
17 Police Department;

18 ~~(2) inappropriate language or attitude;~~

19 ~~(3) harassment;~~

20 (4) (3) discrimination in the provision of police services or other
21 discriminatory conduct on the basis of sex, race, color, ethnicity, creed, religion,
22 national origin, sex, sexual preference, disability or age and other violations of
23 civil rights;

- 1 (5) (4) theft;
- 2 (6) ~~failure to provide adequate or timely police protection;~~
- 3 (7) (5) any other crime or misconduct which constitutes a felony or
- 4 felonies under the laws applicable to Guam; *and*
- 5 (8) (6) any other crime or misconduct involving more than one
- 6 employee.”

7 **Section 5.** A new §78126 of Chapter 78, Title 10, Guam Code Annotated, is

8 hereby added to read:

9 “**§78126. Review.** Upon the enactment of this bill into law and immediately

10 following the re- establishment of the Commission, the Commission shall review

11 Chapter 78 in its entirety and submit its recommendations to *I Liheslaturan*

12 *Guåhan* after sixty (60) days. In particular, the Commission shall review §78119;

13 shall consider office space and budgetary needs; and shall consider the

14 implications of its action on the Civil Service Commission’s adverse action

15 procedures.”

16 **Section 6. Severability.** *If* any provision of this Law or it application to any

17 person or circumstance is found to be invalid or contrary to law, such invalidity shall *not*

18 affect other provisions or applications of this Law, which can be given effect without the

19 invalid provisions or applications, and to this end the provisions of this Law are

20 severable.

I MINA TRENTA NA LIHESLATURAN GUÅHAN
2009 (First) Regular Session

Bill No. 108 (Cor)

Introduced by:

v.c. pangelinan 

2009 MAY -4 PM 4:09
M.W.

AN ACT TO RE-ESTABLISH THE GUAM
COMMUNITY POLICE REVIEW COMMISSION AS
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3 severable.



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
 Telephone: (671) 475-8473 (Switchboard); (671) 475-8508 / 8509 / 8512
 Fax: (671) 472-4036

PAUL R. SUBA
 Chief of Police

COLONEL JOAQUIN G. REYES
 Police Commander

June 22, 2009

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

Subject: Written Testimony in Support of Bill 108

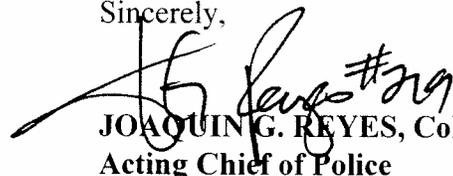
Dear Senator Palacios:

The Guam Police Department (GPD) has historically been in favor of a Guam Community Police Review Commission and is in favor of Bill 108. However, GPD wonders why the Commission will be applicable to GPD and not other law enforcement agencies? Furthermore, GPD notes that none of the Commission's members will be required to have a law enforcement background. GPD firmly believes that the Commission must have some individual members with law enforcement backgrounds in order that it has a broad understanding of the issues before it.

Section 78119 gives the Commission the power to override the disciplinary decisions made by the Chief of Police. The authority to discipline employees is vested in all department heads pursuant to 4 GCA § 4105 and DOA Rules and Regulations. GPD believes that department heads are in the best position to mete out discipline among a department's employees. A department head is familiar with the entire background of employees. On the other hand, a Commission would only be familiar with a single incident.

Beyond the issues raised above, GPD supports Bill 108.

Sincerely,


JOAQUIN G. REYES, Colonel
 Acting Chief of Police



Bill-108

Adolpho Palacios <senabpalacios@gmail.com>

Bill 108/Request for Comments on Proposed Police Review Commission

1 message

charles stake <charles.stake@live.com>
To: senabpalacios@gmail.com

Mon, Jul 13, 2009 at 6:22 PM

Senator Palacios,

Please find my response to your request for comments on reestablishing a Police Review Commission set out below.

A Police Review Commission with statutory authority to review citizen complaints against all of Guam's local law enforcement agencies can have a positive impact. However it can be a complicated endeavor to get it right. Most reasonable people can agree on the broad theory of the law being proposed. Conversely things can go very wrong in the practical implementation phase. For example, defending citizen complaints may require exposing confidential informants or undercover operatives and place them in danger. The Review Commission complaint hearing process may lead to or compromising ongoing criminal investigations or expose future investigations while still in the planning stage. Confidential information may become a matter of public record and available to the general public. As with members of Congressional Oversight Committees, a Review Commission member may intentionally or inadvertently leak sensitive information. Occasionally, Federal Intelligence and law enforcement agencies will choose not pursue criminal cases when the collateral effect of the prosecution (via the discovery process) would be to require exposing extremely sensitive information. It can become a balancing act in which drug dealers as well as other criminals and even terrorists avoid justice when there are much larger issues at stake. There is no clear cut fix for some of these potential problems.

While I support the high minded goal of the legislation and the good faith effort it represents, I want also to urge caution because it has the potential to create more problems than it solves. I speak only for myself and not on behalf of the Department in this matter.

Charles D Stake

Attorney and Guam and District of Columbia Bar Member, Retired as Federal Attorney and Federal Officer, and Current Reserve Officer GPD/CIS

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Adolpho Palacios <senabpalacios@gmail.com>

Bill 108

Testimony.

charles stake <charles.stake@live.com>
To: senabpalacios@gmail.com

Wed, Jul 15, 2009 at 10:17 AM

Senator Palacios

Thank you for your email.

The Guam Bar requested comments on Bill 108 from its members. I was simply complying with the Bars request and providing my personal viewpoint that a Police Review Commission could result in exposing confidential information, jeopardize investigations, and affect the personal safety of officers and informants.

I have no information on any alleged irregularities.

Charles

Date: Wed, 15 Jul 2009 07:59:32 +1000
Subject: Re: Bill 108
From: senabpalacios@gmail.com
To: charles.stake@live.com

[Quoted text hidden]

Windows Live™: Keep your life in sync. [Check it out!](#)

Bill/Resolution Introduction/Referral

Bill	Sponsor	Description	Date Introduced	Date Referred	Committee Referred
107(COR)	v. c. pangelinan	An act to repeal Section 4301(g) and to repeal and re-enact Section 4302 (g) Chapter 4, Article 3, Title 4 Guam Code Annotated relative to removing the continuing clause provisions to health insurance companies on Guam who contract with the government of Guam and to require all companies or other legal entities providing health insurance to the government of Guam to make available electronically de-identified detailed demographic, medical, dental, vision and pharmacy claims utilization and cost information subject to meeting HIPAA regulations.	5/01/09	5/05/09	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land
108(COR)	v. c. pangelinan	An act to re-establish the Guam Community Police Review Commission as provided in Chapter 78, Title 10 Guam Code Annotated.	5/04/09	5/05/09	Committee on Public Safety, Law Enforcement, and Senior Citizens
109(COR)	R. J. Respicio, J. P. Guthertz	An act to <i>repeal and reenact</i> subitem (p) of Title 4 Guam Code Annotated § 8104 relative to re-including commodity inspectors and entomologists from the Department Of Agriculture in the definition of "Uniformed Personnel," and to make the change retroactive to October 1, 2008.	5/04/09	5/05/09	Committee on Rules, Natural Resources, Federal, Foreign, and Micronesian Affairs

2009; Bill 122, imposing temporary moratorium on issuance of commercial leases from Chamorro Land Trust Commission; Bill 146, providing necessary funding for balance of fiscal year to critical youth support programs. For special accommodations, call 473-4236 or e-mail: senbenp@guam.net.

Committee on Tourism, Cultural Affairs, Youth and Public Broadcasting:

Confirmation hearing 4 p.m., Legislature's public hearing room, Hagåtña. Appointments of Patrick R. Bamba to serve as Guam Council on the Arts and Humanities Council executive director; Sheila Baker Shedd and Mary L.G. Tighe to serve as CAHA members; fiscal 2010 budget hearing on Guam Visitors Bureau. Call 477-2520/1.

June 23

Committee on Public Safety, Law Enforcement and Senior Citizens:

Public hearing 9 a.m., Legislature's public hearing room, Hagåtña. Bill 108, to re-establish Guam Community Police Review Commission. For special accommodations, call 472-5047/5048.

Port Authority of Guam: Board of directors' rescheduled meeting 5 p.m., board conference room, Cabras Island, Piti. For special accommodations call 477-5931/4, ext. 430 or pager 635-1351.

June 24

Guam Education Policy Board:

Meeting 6 p.m., Agana Heights Elementary School cafeteria. For special accommodations, call Joyce Kaneshiro, 300-1627.

June 25

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

Guam Parole Board: Regular hearing 8:30 a.m., Parole Services Division, fifth floor, Suite 505, DNA

LIFESTYLE

GOVERNMENT MEETINGS

OMIOTROW

Mail Service Commission: Board meeting 5:30 p.m., seventh floor conference room, ITC Building, Tamuning. Signing of Judgments: Jose S. Cruz vs. Guam Fire Department; Randolph S. Torres vs. Department of Public Works; hearing: Seymour Payne vs. Guam Public School System; other CSC matters. For special accommodations, call Blanca at 647-1855/7 or TDD 647-1872.

Committee on Public Safety, Law Enforcement and Senior Citizens: Public hearing 9 a.m., Legislature's public hearing room, Hagåtña, Bill 108, to re-establish Guam Community Police Review Commission. For special accommodations, call 472-5947/5048.

Committee on Utilities, Transportation, Public Works and Veterans Affairs: Public hearing 1 p.m., Legislature's public hearing room, Hagåtña. Confirmation on appointments of Martin Pizarro to Guam Contractors License Board; Manuel O. Cruz to Guam Regional Transit Authority Commission; Bill 106, memorializing governor's executive order 2004-08 by re-

organizing designation of Route 1 as Marine Corps Drive in public law; Bill 120, requiring Guam Energy Office to post Guam electric meter information on the Internet. Call 473-3301.

Consolidated Commission on Utilities: Regular meeting on Guam Power Authority matters 5 p.m., GPN board conference room, second floor, main business office, Harmon. Agenda copies available. For special accommodations, call Lou Sakken, 648-3002.

Port Authority of Guam: Board of directors' rescheduled meeting 5 p.m., board conference room, Cabras Island, Piti. For special accommodations call 477-5931/4, ext. 430 or pager 635-1351.

June 24

A.B. Won Pat Guam International Airport Authority: Regular board of directors' meeting 3 p.m., terminal conference room 3, Tamuning. Agenda copies available. Parking available in public parking lot. For special accommodations, call 646-0300.

Committee on Education: Public hearing 9 a.m., Legislature's public hearing room,

Hagåtña. Confirmation hearing on Edison P. Manaloto and Thema Z. Heclanova as members of Council on Post-Secondary Institution Certification; Bill 110, an act to change name of Guam Public School System to Department of Education; Bill 130, Committee on Tourism, Cultural Affairs, Youth and Public Broadcasting, at request of 27th Guam Youth Congress, relative to limitations on entitlements to merit awards; Bill 143, relative to performance-based contracts for school principals and assistant principals within GPSS; Bill 154, relative to service learning as requirement for high school graduation; Bill 156, relative to jiffing and tripling of limited-term part-time substitute teachers in GPSS; Bill 157, relative to adoption of textbooks. Call 472-3586/7 or e-mail: mark@luiswpat.com.

Guam Economic Development Authority: Board of directors' regular meeting 1:30 p.m., Suite 511, ITC building. Tamuning. For special accommodations, call Lou Wilaverde, 647-4332, ext. 120.

Guam Education Policy Board: Meeting

6 p.m., Agaña Heights Elementary School cafeteria. Superintendent's reports and communications: status of JFK campus, status of proposed Sunset Project; Upgrade Screening and Evaluation; status of proposed amendments relative to submissions of federal grant applications to the board; proposed workplace violence prevention and policy; elementary reform programs; proposed revisions to board policies; executive session on personnel matters. For special accommodations, call Joyce Kaneshiro, 300-1627.

Guam Preservation Trust: Board of directors' regular meeting 3:30 p.m., GPT conference room, Hagåtña. Public invited. Call 472-9439.

June 25

Civil Service Commission: Board meeting 5:30 p.m., seventh floor conference room, ITC Building, Tamuning. Hearing on merits: Seymour Payne vs. Guam Public School System; motion hearings: John C. Leon Guerrero vs. Department of Mental Health and Substance Abuse; bills and laws relating to CSC. For special accommodations, call Blanca at 647-1855/7

or TDD 647-1872.

Guam Housing and Renewal Authority: Board of commissioners' meeting 10 a.m., GHURA conference room, Sinajana. For special accommodations, call Mike Duenas, 475-1407 or TTY 472-3701.

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

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

Guam Visitors Bureau: Board of directors' regular meeting 4 p.m., GVB main conference room, Tumon. For special accommodations, call 646-5278.

Guam Workforce Investment Board: Meeting 4 p.m., third floor conference room, GCIC Building, Hagåtña. Agenda copies available upon request. For special accommodations, call Joy/Sean Mananora, 475-7079/7075.

June 26

Committee on Appropriations, Taxation, Banking, Insurance, Retirement and Land: Public hearing 8 a.m., Legislature's public hearing room, Hagåtña. Bill 160, relative to paying out 2008 and prior tax refunds and to appropriate \$250,000 to Department of Administration for processing and mailing COLA and tax refunds and appropriate \$180,000 and Department of Rev. & Tax for processing COLA and tax refunds. Log on to www.guamlegislature.com for copies of bill. For special accommodations, call 473-4236.

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.

Government of Guam Retirement Fund Board of Trustees: Regular meeting room, Retirement Fund conference room, Route 8, Maite. For special accommodations, call 475-8900/1.



OPEN SUNDAY

FEDERAL/GT/WEST LAKE TIRE SALE

	EA	2 For 1	EA	For 2
5/60R13	\$43.00	\$85.00	\$66.00	\$130.00
5/70R13	\$45.00	\$89.00	\$68.00	\$136.00
5/70R14	\$45.00	\$114.00	\$74.00	\$148.00
5/70R14	\$85.00	\$128.00	\$78.00	\$156.00
5/70R14	\$85.00	\$130.00	\$78.00	\$156.00
5/65R14	\$85.00	\$98.00	\$78.00	\$156.00
5/65R14	\$85.00	\$108.00	\$87.00	\$172.00
5/65R14	\$85.00	\$108.00	\$87.00	\$172.00
5/60R14	\$55.00	\$108.00	\$90.00	\$178.00
5/60R14	\$55.00	\$110.00	\$92.00	\$184.00
5/60R15	\$55.00	\$130.00	\$96.00	\$190.00
5/60R15	\$55.00	\$130.00	\$122.00	\$242.00
5/65R15	\$64.00	\$128.00	\$137.00	\$272.00
5/65R15	\$76.00	\$138.00	\$149.00	\$296.00

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

June 18, 2009

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

PUBLIC HEARING (SECOND) NOTICE

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

- **Bill No. 108 (COR) - An act to re-establish the Guam Community Police Review Commission as provided in Chapter 78, Title 10 Guam Code Annotated. – by Senator v. c. pangelinan**

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 Bill(s) 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>

Public Hearing SECOND Notice - June 23, 2009

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Thu, Jun 18, 2009 at 8:49 AM

To: mindy@kuam.com, malafunkshun@kuam.com, news@guampdn.com, cmelyan@guampdn.com, amier@mvguam.com, marvic@mvguam.com, jontalk@k57.com, msilva@k57.com, kstonews@ite.net, news@spbgum.com

June 18, 2009

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Adolpho Palacios <senabpalacios@gmail.com>

Public Hearing SECOND Notice - June 23, 2009

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Thu, Jun 18, 2009 at 9:57 AM

To: speaker@judiwonpat.com, office@senatorada.org, "Senator Frank B. Aguon" <aguon4guam@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>, "Vice Speaker Benjamin J. F. Cruz" <senadotbjcruz@aol.com>, senjim@ite.net, senator@espaldon.com, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, judiguthertz@gmail.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>, psantos@guamlegislature.org, yong@guamlegislature.org, cdecastro@guamlegislature.org, sgtarms@guamlegislature.org

June 18, 2009

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MULTI COMMUNICATION REPORT

JUN-18-2009 10:38 AM THU

FAX NUMBER :
NAME :

REF. NAME :
PAGES : 2

1. SUCCESSFUL

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4723400	
4723547	
4733303	
7348085	
4734238	
9691497	
4758805	
4791329	
4752000	
4722528	

2. UNSUCCESSFUL

FAX NUMBER	NAME
9698357	- Sen. Taitague = emailed mail room

3. MULTI COMMUNICATION JOURNAL

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Libeslaturan Guahan

FACSIMILE TRANSMITTAL SHEET

DATE: June 18, 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: *PUBLIC HEARING SECOND NOTICE – June 23, 2009*

PAGES: 2 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

PLEASE SEE ATTACHED NOTICE.

THANK YOU.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

June 18, 2009

MEMORANDUM

TO: Chairman, Committee on Rules
Members, Committee on Public Safety, Law Enforcement
and Senior Citizens
ALL SENATORS

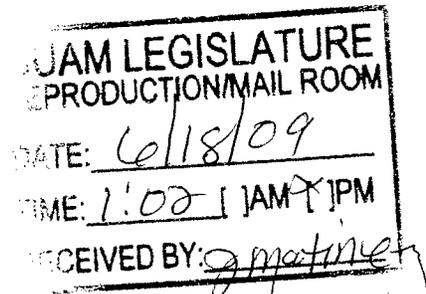
FROM: Chairman, Committee on Public Safety, Law Enforcement
and Senior Citizens 

SUBJECT: *Public Hearing* SECOND Notice – June 23, 2009

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

- Bill No. 108 (COR) - An act to re-establish the Guam Community Police Review Commission as provided in Chapter 78, Title 10 Guam Code Annotated. – by Senator v. c. pangelinan

cc: Protocol
Clerk of the Legislature
Audio





COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guahan

FACSIMILE TRANSMITTAL SHEET

DATE: June 18, 2009

TO: KUAM/Isla 630 637-9865
Pacific News Center 477-0793
PDN 477-3079
Marianas Variety 648-2007
K-57/Power 98 477-3982
Hit Radio 100 472-7663
KStereo/KISH 477-6411

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

SUBJECT: **PUBLIC HEARING SECOND NOTICE** – June 23, 2009

PAGES: 1 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

June 18, 2009

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

PUBLIC HEARING (SECOND) NOTICE

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

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

MULTI COMMUNICATION REPORT

JUN-18-2009 10:22 AM THU

FAX NUMBER :
NAME :

REF. NAME :
PAGES : 1

1. SUCCESSFUL

FAX NUMBER	NAME
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4776411	

2. UNSUCCESSFUL

FAX NUMBER	NAME
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3. MULTI COMMUNICATION JOURNAL

NO.	NAME/NUMBER	START TIME	TIME	MODE	PAGE	RESULT
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Adolpho Palacios <senabpalacios@gmail.com>

Public Hearing (First) Notice - June 23, 2009

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Tue, Jun 9, 2009 at 10:30 AM

To: mindy@kuam.com, malafunkshun@kuam.com, news@guampdn.com, cmelyan@guampdn.com, amier@mvguam.com, marvic@mvguam.com, jontalk@k57.com, msilva@k57.com, kstone@ite.net, news@spbgum.com

June 9, 2009

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

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

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Adolpho Palacios <senabpalacios@gmail.com>

Public Hearing (First) Notice - June 23, 2008

3 messages

Adolpho Palacios <senabpalacios@gmail.com>

Tue, Jun 9, 2009 at 10:29 AM

To: speaker@judiwonpat.com, office@senatorada.org, "Senator Frank B. Aguon" <aguon4guam@gmail.com>, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Senator Edward J. B. Calvo" <senalvo@gmail.com>, "Vice Speaker Benjamin J. F. Cruz" <senadotbjcruz@aol.com>, senjim@ite.net, senator@espaldon.com, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, judiguthertz@gmail.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>, psantos@guamlegislature.org, cdecastro@guamlegislature.org, yong@guamlegislature.org, malo@guamlegislature.org, tunsiog@guamlegislature.org, sem@guamlegislature.org

June 9, 2009

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

- **Bill No. 108 (COR) - An act to re-establish the Guam Community Police Review Commission as provided in Chapter 78, Title 10 Guam Code Annotated. – by Senator v. c. pangelinan**

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 Bill(s) 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.

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

Tue, Jun 9, 2009 at 10:29 AM

To: senabpalacios@gmail.com

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

tunsiog@guamlegislature.org - notice placed in mail room

<http://mail.google.com/mail/?ui=2&ik=593118a0a6&view=pt&search=sent&th=121c26b14...> 6/9/2009

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the recipient domain. We recommend contacting the other email provider for further information about the cause of this error. The error that the other server returned was: 550 550-5.1.1 The email account that you tried to reach does not exist. Please try 550-5.1.1 double-checking the recipient's email address for typos or 550-5.1.1 unnecessary spaces. Learn more at 550 5.1.1 <http://mail.google.com/support/bin/answer.py?answer=65962si5782083qyk.27> (state 17).

----- Original message -----

MIME-Version: 1.0

Received: by 10.220.97.13 with SMTP id j13mr4263619vcn.35.1244507346446; Mon, 08 Jun 2009 17:29:06 -0700 (PDT)

Date: Tue, 9 Jun 2009 10:29:06 +1000

Message-ID: <34a8d71e0906081729o24a9199doc6edc8df62fbfcde@mail.gmail.com>

Subject: Public Hearing (First) Notice - June 23, 2008

From: Adolpho Palacios <senabpalacios@gmail.com>

To: speaker@judiwonpat.com, office@senatorada.org,

"Senator Frank B. Aguon" <aguon4guam@gmail.com>,

Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>,

"Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Senator Edward J. B. Calvo"

<senecalvo@gmail.com>,

"Vice Speaker Benjamin J. F. Cruz" <senadotbjcruz@aol.com>, senjim@ite.net, senator@espaldon.com,

"Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, judiguthertz@gmail.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>, psantos@guamlegislature.org,

cdecastro@guamlegislature.org, yong@guamlegislature.org,

malo@guamlegislature.org, tungsiog@guamlegislature.org,

sem@guamlegislature.org

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--0016e64762204e29e6046bdf721d

Content-Type: text/plain; charset=UTF-8

Content-Transfer-Encoding: quoted-printable

June 9, 2009

(Pursuant to =C2=A78107, Title 5 GCA =E2=80=93 5 days prior to hearing date=)

----- Message truncated -----

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

Tue, Jun 9, 2009 at 10:29 AM

To: senabpalacios@gmail.com

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

malo@guamlegislature.org

-notice placed in mail room

[Quoted text hidden]

(Pursuant to =C2=A78107, Title 5 GCA =E2=80=93 5 days prior to hearing date=)

----- Message truncated -----



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

June 9, 2009

MEMORANDUM

TO: Chairman, Committee on Rules
Members, Committee on Public Safety, Law Enforcement
and Senior Citizens
ALL SENATORS

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

SUBJECT: Public Hearing Notice.

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

- **Bill No. 108 (COR) - An act to re-establish the Guam Community Police Review Commission as provided in Chapter 78, Title 10 Guam Code Annotated. – by Senator v. c. pangelinan**

cc: Protocol
Clerk of the Legislature
Audio

GUAM LEGISLATURE REPRODUCTION/MAIL ROOM
DATE: <u>6/9/09</u>
TIME: <u>11:14</u> <u>AM</u> [] PM
RECEIVED BY: <u>J. Martinez</u>

Office/Mailing Address: 155 Hester Place, Hagåtña Guam 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

I Mina'Trenta na Liheslaturan Guåhan

FACSIMILE TRANSMITTAL SHEET

DATE: June 9, 2009

TO: KUAM/Isla 630 637-9865
Pacific News Center 477-0793
PDN 477-3079
Marianas Variety 648-2007
K-57/Power 98 477-3982
Hit Radio 100 472-7663
KStereo/KISH 477-6411

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

SUBJECT: **PUBLIC HEARING NOTICE – June 23, 2009**

PAGES: 1 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

June 9, 2009

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

PUBLIC HEARING (1st) NOTICE

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

- **Bill No. 108 (COR) - An act to re-establish the Guam Community Police Review Commission as provided in Chapter 78, Title 10 Guam Code Annotated. – by Senator v. c. pangelinan**

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 Bill(s) 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.

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

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

MULTI COMMUNICATION REPORT

JUN-09-2009 11:18 AM TUE

FAX NUMBER :
NAME :

REF. NAME :
PAGES : 1

1. SUCCESSFUL

FAX NUMBER	NAME
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6482007	
4773982	
4727663	
4776411	

2. UNSUCCESSFUL

FAX NUMBER	NAME
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3. MULTI COMMUNICATION JOURNAL

NO.	NAME/NUMBER	START TIME	TIME	MODE	PAGE	RESULTS
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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: June 9, 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: *PUBLIC HEARING FIRST NOTICE – June 23, 2009*

PAGES: 2 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

PLEASE SEE ATTACHED NOTICE.

THANK YOU.



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

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

I Mina'Trenta na Liheslaturan Guåhan

June 9, 2009

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

PUBLIC HEARING (1st) NOTICE

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

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MULTI COMMUNICATION REPORT

JUN-09-2009 02:47 PM TUE

FAX NUMBER :
NAME :

REF. NAME :
PAGES : 2

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4758805	
4791329	
4752000	
9698357	
4722528	

2. UNSUCCESSFUL

FAX NUMBER	NAME
4772522	- Sen. B J Cruz = placed notice in mailbox.

3. MULTI COMMUNICATION JOURNAL

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OFFICE OF SENATOR
ADOLPHO B. PALACIOS, SR.
I MINA'TRENTA NA LIHESLATURAN GUÅHAN

FACSIMILE TRANSMITTAL SHEET

DATE: June 19, 2009

TO:

Governor's Office	477-4826
Lt. Governor's Office	477-2007
Attorney General's Office	472-2493
Guam Police Department	472-4036
Mayors Council of Guam	477-8777
Guam Bar Association	475-3400

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

SUBJECT: Copy of Bill No. 108.

PAGES: 11 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Attached please find a copy of **Bill No. 108** and **Chapter 78, 10 GCA**. The Committee on Public Safety, Law Enforcement, and Senior Citizens has scheduled a public hearing for **9:00 a.m., Tuesday, June 23, 2009**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, to hear Bill No. 108 "An act to re-establish the Guam Community Police Review Commission as provided in Chapter 78, Title 10 Guam Code Annotated." – by Senator v. c. pangelinan

MULTI COMMUNICATION REPORT

JUN-18-2009 01:32 PM THU

FAX NUMBER :
NAME :

REF. NAME :
PAGES : 11

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2. UNSUCCESSFUL

FAX NUMBER	NAME
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3. MULTI COMMUNICATION JOURNAL

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515	4753400	06-18 01:30PM	01'48"	ECM BC	011/011	[O.K]



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

COPY

Chairman

Thirtieth
 Guam Legislature

June 23, 2009

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

Ms. Cynthia V. Ecube
President
Guam Bar Association
Guam Judicial Center, 2nd Floor
120 West O'Brien Drive
Hagåtña, Guam 96910

Senator Adolpho B. Palacios, Sr.
Chairman

Senator Ben Torres
Member

Senator Rafael T. Wan-Pot
Member

Senator Thomas C. Ade
Member

Senator Frank B. Anon, Jr.
Member

Senator Abel Barber
Member

Senator Edward J.B. Calvo
Member

Senator James M. Espaldon
Member

Other Committee Memberships:

• Vice Chairman, Committee
on Economic Development,
Trade and Mission Services,
& Industries

• 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

Acknowledgement of Receipt	
Date:	6/23/09
Time:	3:55
Print Name:	A. Mendez
Sign:	

Thank You!

RE: Bill No. 108 (COR) – Guam Community Police Review Commission.

Dear Ms. Ecube:

The Committee on Public Safety, Law Enforcement and Senior Citizens held a public hearing on June 23, 2009 on Bill No. 108 (COR). This Committee will continue to receive written testimony or comments on the Bill until the close of business on **July 15th, 2009**.

For your information, a summary of the June 23rd public hearing testimonies are as follows:

- (1) Written testimony by Colonel Joaquin G. Reyes, Acting Chief of Police, Guam Police Department (GPD), represented by Attorney James Mitchell, stated that GPD is in support of the Bill; however, he shared some concerns with the Committee, with respect to why the Guam Community Police Review Commission (Commission) is applicable to GPD only and not other law enforcement components.
- (2) Phil Tydingco, Chief Prosecutor, Attorney General's Office, provided oral testimony in support of the Bill; however, he offered some suggestions to narrow the types of complaints to be investigated by the Commission.
- (3) Dr. Ron McNinch, Pro bono Executive Director, Guam POST, provided oral testimony in support of the Bill. Dr. McNinch suggested using the "Inspector General" concept in the investigation and compilation of reports.

- (4) Mr. Ed Emmanuel, a public school teacher, provided oral testimony in support of the Bill as written.

All in all, those that testified today are in full support of Bill No. 108. For your convenience and perusal, attached are copies of Bill No. 108, Chapter 78, Title 10 GCA, and written testimony from the Guam Police Department. This Committee will wait for receipt of the Bar's testimony on Bill No. 108, not later than close of business, July 15, 2009. Thank you for your kind attention.

Sincerely,



ADOLPHO B. PALACIOS, SR., MPA, BS/CJA
Chairman, Committee on Public Safety,
Law Enforcement and Senior Citizens



GUAM BAR ASSOCIATION

Guam Judicial Center, Second Floor

120 West O'Brien Drive

Hagåtña, Guam 96910-5174

Tel: (671) 475-3396 • Secure Fax: (671) 475-3400

Email: info@guambar.org • Website: www.guambar.org

June 23, 2009

VIA HAND DELIVERY

SENATOR ADOLPHO PALACIOS 

Chairman for Committee on Public Safety, Law Enforcement & Senior Citizens

Mina' Trenta Na Liheslaturan Guåhan

324 West Soledad Avenue,

Suite 100

Hagåtña, Guam 96910

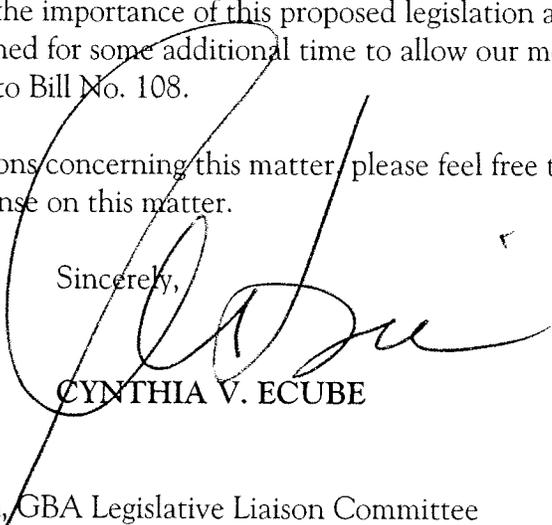
RE: Public Hearing for Bill No. 108

Dear Senator Palacios,

The Guam Bar Association is in receipt of Senator Ben Pangelinan's letter dated June 18, 2009, regarding comments and testimony on Bill No. 108. Please be advised that due to the short notice of this hearing, there will be limited time to inform the Bar and to request comments from our members. The Bar recognizes the importance of this proposed legislation and therefore, is requesting that this hearing be postponed for some additional time to allow our members to provide written testimony or comments to Bill No. 108.

If you have any additional questions concerning this matter, please feel free to contact me. I look forward to your earliest response on this matter.

Sincerely,


CYNTHIA V. ECUBE

cc: Senator Ben Pangelinan
Samuel J. Taylor, Esq., Chairman, GBA Legislative Liaison Committee
GBA Board of Governors
GBA Executive Director

BOARD OF GOVERNORS

PRESIDENT
Cynthia V. Ecube

PAST-PRESIDENT
Rawlen Mantanona

VICE-PRESIDENT
Michael Pangelinan

SECRETARY
Maria Cenzon

TREASURER
Philip J. Tydingco

MEMBERS-AT-LARGE
Harold Parker • John Terlaje

LEGISLATIVE ALERT



Thirtieth
Guam
Legislature

Office of Senator
Adolpho B. Palacios, Sr.

I Mina'Trenta Na Liheslaturan Guåhan

**BILL NO: 108 (COR) AN ACT TO RE-ESTABLISH THE
GUAM COMMUNITY POLICE REVIEW COMMISSION AS
PROVIDED IN CHAPTER 78, TITLE 10 GUAM CODE
ANNOTATED.**

CHAIRPERSON:

Committee on
Public Safety, Law
Enforcement and
Senior Citizens

RAMIFICATIONS/IMPLICATIONS:

1. Bill intends to ensure that the rights and dignity of each accused employee of the Department are protected with the institution and implementation of a clear and impartial investigative process.
2. Bill will re-establish the Guam Community Police Review Commission to comply with the provisions of its mandate of Chapter 78 of Title 10 Guam Code Annotated.
3. Appointment of Commission will be made by the Administration, the Speaker of the Guam Legislature, the Mayor's Council and the Guam Bar Association.

FLAWS/SHORTCOMINGS:

REMARKS: A public hearing will be held on June 23, 2009 at 9:00am at the Guam Legislature's Public Hearing Room. A copy of this bill is available at the Legislature, or my office can fax one to you. Written testimony may be submitted to SenABPalacios@gmail.com or fax: 472-5022 on or before the 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. It 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: Jonathan B. Diaz 06/09/2009

CONSTITUENTS:

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 Legislature Legal Council 472-002~~

Speaker of the Guam Legislature: 472-3589

Guam Bar Association: (671) 475-3400

MULTI COMMUNICATION REPORT

JUN-09-2009 01:45 PM TUE

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NAME :

REF. NAME :
PAGES : 1

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2. UNSUCCESSFUL

FAX NUMBER	NAME
4727549	
4758460	

3. MULTI COMMUNICATION JOURNAL

NO.	NAME/NUMBER	START TIME	TIME	MODE	PAGE	RESULTS
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502	4723589	06-09 01:42PM	00' 12"	ECM BC	001/001	[O.K]
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

PUBLIC HEARING

Tuesday, June 23, 2009

9:00 a.m.

Public Hearing Room, *I Liheslaturan Guåhan*

Notices for the public hearing were disseminated to all local media via fax and email on June 9, 2009 and on June 18, 2009, pursuant to the Open Government Law.

A G E N D A

- ▶ **Bill No. 108 (COR) - An act to re-establish the Guam Community Police Review Commission as provided in Chapter 78, Title 10 Guam Code Annotated. – by Senator v. c. pangelinan**

The Committee will prepare and submit the Committee Report on Bill No. 108 (COR) by 12 noon, Thursday, June 25, 2009, in preparation for consideration by the legislative body. However, the Committee will continue to receive written testimonies for the next 3 days. 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 Hester Place, Hagatña Guam 96910

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



June 23, 2009

Bill would reinstate police review commission

*By Dionesis Tamondong
Pacific Daily News*

The Legislature will hold public hearings today on a few bills, including one that would re-establish a commission to hear and investigate complaints made against the police department.

Bill 108, introduced by Sen. Ben Pangelinan, would put the Guam Community Police Review Commission back into effect. The Committee on Public Safety will hear the bill at 9 a.m. in the public hearing room.

Instead of filing alleged violations against police officers to the Guam Police Department's Internal Affairs Division, people would file those complaints with the civilian commission.

The reluctance of officers to report abuse or participate in investigations against one of their own and the fear of retaliation against whistleblowers make the current reporting process "ineffective," the bill states. Prosecutors also are placed in a difficult position of investigating the same officers they rely on for evidence in other criminal cases.

"The investigations are frequently and unjustly perceived by the public as being covered up and biased," the proposed legislation stated.

The proposed review commission, members of which must prove they don't have close links to the police department, would be more objective and transparent compared to the current process, the bill states.

The review commission was established by law in 1999, under the 25th Guam Legislature, but it was later abolished for failing to meet in more than a year.

Additional Facts

ON THE NET

- **Guam Legislature:** www.guam.legislature.com

I MINA TRENTA NA LIHESLATURAN GUÅHAN
2009 (First) Regular Session

2009 MAY -4 PM 4:09
M.M.

Bill No. 108 (Cor)

Introduced by:

v.c. pangelinan 

AN ACT TO RE-ESTABLISH THE GUAM
COMMUNITY POLICE REVIEW COMMISSION AS
PROVIDED IN CHAPTER 78, TITLE 10 GUAM CODE
ANNOTATED.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that
2 the public has the right to expect all law enforcement personnel, particularly the police
3 officers within the Guam Police Department (“Department”) to adhere to a professional
4 standard of conduct and all laws governing the island and its residents. Model policies
5 and guidelines may exist in the police department to deter and punish misconduct,
6 *however*, such standards, without objective and aggressive enforcement and compliance,
7 will be rendered ineffective. Silence and unresponsiveness, perceived or real,
8 undermines the community-police relations, and erodes the public’s trust and confidence
9 in those who are empowered to protect them, their families and their properties.

10 Conversely, the rights and dignity of each accused personnel of the Department
11 must *not* be compromised, but protected in all cases. Unprofessional and transgressing
12 officers are an exception and *not* the rule. Those officers who demonstrate signs of
13 aberrant behaviors must be dealt within a timely fashion so that the collective public
14 image of and confidence in the Department is *not* perverted.

1 *I Liheslaturan Guahan* further finds that Public Law 24-23, which established the
2 Department and stipulates the process by which alleged violations of the law on the part
3 of a police officer or an employee of the Department shall be investigated, is deficient.
4 Currently, any person may file with any police officer a complaint alleging the
5 commission of a crime on the part of a police officer or employee of the Department.
6 The alleged violations are then forwarded to the Internal Affairs unit of the Department.
7 *However*, the fear of possible intimidation and reprisal by imputed officers and the
8 impression, whether legitimate or not, that the Department is apathetic to public
9 accusations against one of their own, discourages the members of our community from
10 reporting police misconduct.

11 Innate reluctance on the part of officers to report abuse or participate in detailed
12 investigation of an allegation against one for their own, or breaking the “code of silence”
13 due to prospective retaliation against deemed whistle-blowers or participants, renders it
14 difficult for the effective enforcement of this process. Finally, the Office of the Attorney
15 General, including its prosecutors, is placed in a difficult position of investigating the
16 same police officers it relies on for evidence in other criminal cases. Thus, the
17 investigations are frequently and unjustly perceived by the public as being covered up
18 and biased.

19 Maintenance of community credibility and restoration of the public trust begins
20 with and hinges on police accountability and aggressive enforcement of internal policies
21 to regulate those who protect our lives and our properties. Such a process would insure
22 public confidence in the impartiality of the investigation process and results, and more
23 importantly, in the administration of justice by our men and women in blue.

1 It is the intent of *I Liheslaturan Guahan* to provide a practicable and accessible
2 means for the intake and processing of complaints against employees of the Department
3 to inquire into such complaints and, when necessitated to conduct prompt and impartial
4 investigations of legitimate public, criminal and other accusations of misconduct against
5 police officers and other employees of the Department through direct community
6 participation while ensuring the rights and dignity of each employee alleged to be in
7 violation of the laws of Guam of any standard of conduct that he or she is required to
8 adhere to. A community review commission, composed of civilians with the authority to
9 carry out independent investigations, but without any dependence on or conflict of
10 interest with these closely linked law enforcement agencies, would be best able to make
11 an objective determination and recommendation as to the disposition of the complaint.

12 The Guam Community Police Review Commission was established in Public Law
13 25-46, *however* was abolished pursuant to Public Law 26-76 for failing to meet in over
14 twelve months.

15 *I Liheslaturan Guahan* intends to ensure that the rights and dignity of each
16 accused employee of the Department are protected with the institution and
17 implementation of a clear and impartial investigative process.

18 It is therefore the intent of *I Liheslaturan Guahan* to re-establish the Guam
19 Community Police Review to comply with the provisions of its mandate .

20 **Section 2. Re-establishment.** Chapter 78, Title 10 Guam Code Annotated is
21 hereby re-established in its entirety.

22 **Section 3. Severability.** *If* any provision of this Law or it application to any
23 person or circumstance is found to be invalid or contrary to law, such invalidity shall *not*

1 affect other provisions or applications of this Law, which can be given effect without the
2 invalid provisions or applications, and to this end the provisions of this Law are
3 severable.