

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 105-3 (COR)

Introduced by:

Adolpho B. Palacios, Sr.



2011 MAR -8 WED
AM 10:50

AN ACT RELATIVE TO PROVIDING THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION WITH ADMINISTRATIVE AND PROFESSIONAL SERVICES NECESSARY FOR THE CONDUCT OF ITS ACTIVITIES BY AMENDING §32302 (a), (h) (4), AND (i), AND §32303 (b) AND (b) (7) OF ARTICLE 3, CHAPTER 32 OF TITLE 17 GUAM CODE ANNOTATED.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 the Peace Officer Standards and Training (“POST”) Commission, as a fully established
4 organization, and contrary to the requirements of law, has not convened for a meeting in
5 at least a year. The absence of regularly held meetings impedes the ability of the
6 Commission to fulfill its intended role and undermines its integrity.

7 *I Liheslaturan Guåhan* further finds that currently there is no provision for
8 administrative support of the POST Commission in meeting its mandates. Its regulatory
9 responsibilities build upon the professionalism, competency and effectiveness of public
10 safety personnel.

11 It is, therefore, the intent of *I Liheslaturan Guåhan* to amend existing statute in
12 order to provide administrative and professional support, and necessary organizational
13 changes, critical to sustaining an active and credible POST Commission.

1 Section 2. §32302 (a), (h) (4), and (i), Chapter 32 of Title 17 GCA are hereby
2 *amended.*

3 “§32302. Created; Membership; Compensation; Meetings; Publications of
4 **Procedures; Standards for Certified Training; Powers and Duties.**

5 (a) There is hereby created a Peace Officer Standards and Training Commission
6 (POST). The Guam Community College (GCC) shall be designated as the State Agency
7 for POST, and shall provide the administrative and professional services to the
8 Commission. If necessary, GCC shall provide a budget request, annually, to the Speaker
9 of I Liheslaturan Guåhan for consideration. The Commission shall be composed of
10 twelve (12) members as follows:

11 (1) the Chief of the Guam Police Department, *or* his designated
12 representative;

13 (2) the Chief of the Guam Airport Police, *or* his designated
14 representative;

15 (3) the Chief of the Guam Port Police, *or* his designated representative;

16 (4) the Attorney General, *or* his designated representative;

17 (5) the Director of Customs and Quarantine Agency, *or* his designated
18 representative;

19 (6) the Director of the Department of Corrections, *or* his designated
20 representative;

21 (7) the Chief of the Division of Aquatic and Wildlife Resources of the
22 Department of Agriculture, *or* his designated representative;

- 1 (8) one (1) non-voting representative from the University of Guam
2 (UOG), appointed by the President;
- 3 (9) one (1) non-voting representative from the Guam Community
4 College (GCC), appointed by the President;
- 5 (10) the Chief Marshal of the Unified Guam Judiciary, *or* his
6 designated representative;
- 7 (11) the Chief of the Guam Fire Department, *or* his designated
8 representative; and
- 9 (12) one (1) voting representative from the Department of
10 Administration, the Personnel Service Division Administrator,
11 appointed by the Director of Administration.

12 (b) Members of the Commission *shall* receive no compensation, but *shall* be
13 reimbursed under §§23103 and 23104 of Title 5 of the Guam Code Annotated for travel
14 and per diem expenses incurred in the performance of their duties. For purposes of
15 compensation, attendance at meetings of the Commission *shall* be deemed performance
16 by a member of the duties of his local governmental employment.

17 (c) The Commission *shall* hold at least four (4) meetings per year.

18 (d) The Commission *shall* establish and publish its procedures.

19 (e) The Commission *shall* establish standards for certification of peace officer
20 training.

21 (f) The Commission *shall* establish reasonable fees for the application and
22 processing for the certification of peace officers.

23 (g) The Commission in coordination with affected agencies *shall* establish:

- 1 (1) requirements and minimum standards for the certification of peace
2 officers;
- 3 (2) categories of peace officer certification with respect to the duties and
4 requirements of respective fields;
- 5 (3) minimum qualifications for peace officer training instructors;
- 6 (4) minimum training requirements for peace officers;
- 7 (5) collaboration with training providers and educational institutions to
8 establish core curriculum for all designated programs;
- 9 (6) categories *or* classification of advanced in-service training programs
10 and minimum courses of study and attendance requirements with
11 respect to the categories or classifications; and
- 12 (7) a time frame for full compliance with Commission requirements by
13 respective departments and agencies.

14 (h) The Commission *shall*:

- 15 (1) visit and inspect peace officer training programs *or* their components
16 at any appropriate time;
- 17 (2) adopt such rules and regulations as it deems proper to fully effectuate
18 and carry out the purpose of this Article, pursuant to the
19 Administrative Adjudication Law;
- 20 (3) prescribe reasonable minimum qualifications relating *solely* to the
21 physical, mental and moral fitness of persons recruited, appointed *or*
22 retained as peace officers by the government of Guam;

- 1 (4) deny, suspend, *or* revoke certification of peace officers for substantial
2 failure to comply with this Article or the rules of the Commission,
3 pursuant to procedures and policies enacted pursuant to the
4 Administrative Adjudication Law;
- 5 (5) recommend to the respective appointing authorities qualifications of
6 candidates for the offices of Chief of Police, the Chief Marshall, the
7 Chief Probation Officer, the Director of Corrections, and the Director
8 of Customs and Quarantine Agency;
- 9 (6) provide management survey and managerial assistance as requested by
10 corrections and law enforcement agencies;
- 11 (7) provide by rule for the reciprocity and recognition of equivalent entry
12 level core basic training at a training center by law enforcement
13 officers of the federal government, states *or* territories of the United
14 States, and, also require such additional training for certification as the
15 Commission deems necessary;
- 16 (8) provide by rule for the reciprocity and recognition of law enforcement
17 officers of the federal government, states *or* territories of the United
18 States with five (5) *or* more years of law enforcement experience. The
19 Commission may waive the equivalent number of hours of training
20 that an officer obtained in another jurisdiction and may require such
21 law officer to complete training in Guam law;
- 22 (9) provide by rule for temporary certification of peace officers who have
23 previously completed basic peace officer training but have since left

1 service in good standing, provided that said peace officers *shall* satisfy
2 standards and training requirements as set by the Commission;

3 (10) provide by rule for the temporary certification of peace officers
4 from other jurisdictions who have completed basic peace officer
5 training and have since left service in good standing, provided that said
6 peace officers satisfy standards and training requirements as set by the
7 Commission;

8 (11) establish supervisory, managerial, and executive level standards
9 and certification for the agencies covered by this Chapter; and

10 (12) may enter into professional developments with the Guam
11 Community College, the University of Guam, *or* another suitable
12 institution.

13 (i) The Commission shall elect a chairperson and vice-chairperson from among
14 its members every two (2) years. A non-voting member *shall* not serve as chairperson or
15 vice chairperson of the commission.”

16 **Section 3. §32303 (b) and (b) (7) of Article 3, Chapter 32, Title 17 GCA are**
17 **hereby amended.**

18 **“§32303. Executive Director; Appointment; Powers and Duties.**

19 (b) With the approval of the Commission, the Executive Director ~~may~~ *shall*:

20 (1) certify Peace Officer Training programs *or* institutions;

21 (2) certify peace officers who have satisfactorily completed training;

22 (3) consult and cooperate with peace officer training academies in the

23 development of basic and continuing education training programs for

- 1 peace officers;
- 2 (4) consult and cooperate with the Guam Community College, the
3 University of Guam, other institutions of higher education, *or* any
4 POST certified advanced training programs for the development of
5 specialized courses of study on Guam for peace officers in the areas of
6 police science, police administration, the social sciences and other
7 related areas;
- 8 (5) consult and cooperate with other departments and agencies concerned
9 with peace officer training;
- 10 (6) report to the Commission at regular meetings of the Commission and
11 at other times as required to recommend denial, suspension, *or*
12 revocation of certification of a peace officer to the Commission as
13 deemed necessary; and
- 14 (7) ~~act as a voting member of the Commission only in case of a tie~~ shall,
15 in cooperation with the State Agency, maintain custody of all records
16 of the Commission.”

17 **Section 4. Transfer of Records.** No later than thirty (30) days following the
18 enactment of this Act, all records of the POST Commission *shall* be transferred into the
19 custody of the State Agency.

20 **Section 5. Effective Date.** The provisions contained herein shall be effective
21 upon the enactment of this Act.

22 **Section 6. Severability.** If any provision of this Act or its 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 Act which can be given effect without the
- 2 invalid provisions or application, and to this end the provisions of this Act are severable.