

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

2011 APR 19 PM 4:09
P

Bill No. 157-31 (COR)

Introduced by:

Adolpho B. Palacios, Sr.

AN ACT TO AMEND §§77109, 77110.1 THROUGH 77110.4, OF ARTICLE 1, TITLE 10 GUAM CODE ANNOTATED, AND TO REPEAL §77110.5 OF THIS ARTICLE RELATIVE TO THE QUALIFICATION REQUIREMENTS FOR UNIFORMED MANAGEMENT POSITIONS WITHIN THE GUAM POLICE DEPARTMENT.

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

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guåhan* finds that §§77109 through 77110.5 of Article
4 1, Title 10 Guam Code Annotated (GCA) established the minimum
5 qualification requirements for positions in the Guam Police Department
6 (GPD), including Chief of Police, Police Commander, Police Major, Police
7 Captain, Police Lieutenant, and Police Colonel. In addition to establishing
8 minimum qualifications, §77110.1 also requires that the Chief of Police
9 select a Police Commander, “who shall be a uniformed classified officer to
10 hold the rank of Colonel.” As written, one could question whether the
11 minimum qualifications found in §77110.1 was intended for the Police
12 Commander or Police Colonel positions.

13 *I Liheslaturan Guåhan* finds that there is no mention of qualification
14 requirements for the Police Colonel position within Title 10 GCA except for
15 a brief statement found in §77110.5, which simply requires that applicants

1 vying for such position to have held a Police Major’s rank for at least five
2 (5) years. This requirement was included as a miscellaneous item within the
3 government of Guam’s FY 2002 budget law, P.L. 26-35, enacted on October
4 1, 2001.

5 It is the intent of *I Liheslaturan Guåhan* to incorporate the substance
6 of §77101.5 into §77101.1, with additional amendments, in order to
7 appropriately recognize the Police Colonel position as a uniformed rank of
8 GPD. These changes will provide clarity as to what the qualifications are for
9 the Police Colonel position, and will ensure that no confusion is made as to
10 who may be eligible to serve as Police Commander.

11 *I Liheslaturan Guåhan* also intends to amend the qualifications for the
12 Chief of Police and the department’s uniformed management positions of
13 Police Colonel, Police Major, Police Captain, and Police Lieutenant by
14 standardizing language pertaining to drug screening test requirements and
15 recognition of post-secondary institutions, as applicable.

16 **Section 2.** §77109 of Article 1, Title 10 Guam Code Annotated is
17 hereby *amended* relative to the qualifications for the Chief of Police.

18 **“§77109. Appointment of the Chief of Police.**

19 The Chief of Police shall be appointed by *I Maga’låhen*
20 *Guåhan* with the advice and consent of *I Liheslaturan Guåhan* and
21 *shall* meet the following qualifications:

- 22 (a) be *at least* thirty-five (35) years of age;
- 23 (b) have *no less than* fifteen (15) years of progressive
24 experience in a government law enforcement position,
25 including *at least* five (5) years at the supervisory command
26 level, and five (5) years in a senior position with law
27 enforcement management responsibilities;

1 (c) ~~graduated~~ graduated with a bachelor's degree or higher in Police
2 Science, Criminal Justice Administration, Public
3 Administration, Law, *or* closely related field *or* discipline, ~~at~~
4 from an accredited institution recognized by the Council ~~of~~
5 for Higher Education Accreditation (CHEA) *or* its
6 successors;

7 (d) have *no* felony, domestic or family violence convictions;

8 (e) have *no* misdemeanor convictions involving moral
9 turpitude;

10 (f) submit to and pass a drug screening test, including, *but not*
11 limited to, urinalysis testing, unless the appointee is a current
12 employee of the Guam Police Department occupying a Test-
13 Designated Position (TDP) pursuant to the department's
14 Drug-Free Workplace Program; and

15 (g) submit to a polygraph examination.

16 (h) No person *shall* be appointed as Chief of Police before a
17 thorough investigation of the appointee's background and
18 moral character is completed, unless the appointee is a
19 current employee of the Guam Police Department."

20 **Section 3.** §77110.1 of Article 1, Title 10 Guam Code Annotated is
21 hereby *amended* relative to the qualification requirements for Police
22 Colonel.

23 **“§77110.1. Police ~~Commander~~ Colonel.**

24 The Chief of Police shall select a Police ~~Commander~~ Colonel,
25 who shall be a ~~uniformed classified officer to hold the rank of Colonel~~
26 Police Commander. The Police ~~Commander~~ Colonel shall meet the

1 following minimum qualifications, experience, and training, in
2 addition to those prescribed by the Director of Administration:

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

4 ~~(b) (1) graduated with a bachelor's master's degree in Police~~
5 ~~Science, Criminal Justice Administration, or closely related~~
6 ~~field or discipline, at a nationally from an accredited~~
7 ~~institution recognized by the Council for Higher Education~~
8 ~~Accreditation (CHEA) or its successors, and must have at~~
9 ~~least two (2) years of experience in the rank of Police Major,~~
10 ~~or equivalent law enforcement experience in administration~~
11 ~~or management that requires the minimum knowledge,~~
12 ~~abilities, and skills to perform the duties of a police major;~~

13 ~~and or~~

14 ~~(2) graduated with a bachelor's degree in Police Science,~~
15 ~~Criminal Justice Administration, or closely related field or~~
16 ~~discipline from an accredited institution recognized by the~~
17 ~~Council for Higher Education (CHEA) or its successors, and~~
18 ~~must have at least four (4) years of experience in the rank of~~
19 ~~Police Major, or equivalent law enforcement experience in~~
20 ~~administration or management that requires the minimum~~
21 ~~knowledge, abilities, and skills to perform the duties of a~~
22 ~~police major;~~

23 ~~(e) have no felony, domestic or family violence conviction; and~~

24 ~~(d) (b) submit to and pass a drug screening test, including, but~~
25 ~~not limited to, a urinalysis test other necessary special~~
26 ~~qualifications as established by the Department~~
27 ~~of Administration not inconsistent with (a) above."~~

1 **Section 4.** §77110.2 of Article 1, Title 10 Guam Code Annotated is
2 hereby *amended* relative to the qualifications for Police Major.

3 **“§77110.2. Police Major.**

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

7 (a) graduated with a bachelor’s degree in Police Science,
8 Criminal Justice Administration, Public Administration, or
9 closely related field or discipline, ~~at a nationally~~ from an
10 accredited institution recognized by the Council for Higher
11 Education Accreditation (CHEA) or its successors; and

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

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

18 **Section 5.** §77110.3 of Article 1, Title 10 Guam Code Annotated is
19 hereby *amended* relative to the qualifications for Police Captain.

20 **“§77110.3. Police Captain.**

21 A Police Captain *shall* be a uniformed classified officer and
22 *shall* meet the following qualifications, experience, and training, in
23 addition to those prescribed by the Department of Administration:

24 (a) graduated with a bachelor’s degree in Police Science,
25 Criminal Justice Administration, Public Administration, *or*
26 closely related field or discipline, ~~at a nationally~~ from an

1 accredited institution recognized by the Council for Higher
2 Education Accreditation (CHEA) or its successors;

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

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

9 **Section 6.** §77110.4 of Article 1, Title 10 Guam Code Annotated is
10 hereby *amended* relative to the qualifications for Police Lieutenant.

11 **“§77110.4. Police Lieutenant.**

12 A Police Lieutenant *shall* be a uniformed classified officer and
13 *shall* meet the following minimum qualifications, experience, and
14 training, in addition to those prescribed by the Department of
15 Administration:

16 (a) graduated with an Associate’s degree in Police Science,
17 Criminal Justice Administration, Public Administration, *or*
18 closely related field or discipline, ~~at a nationally~~ from an
19 accredited institution recognized by the Council for Higher
20 Education Accreditation (CHEA) or its successors, *or*
21 successful completion of not less than seventy-five (75)
22 college credits, seventy-five percent (75%) of which are in
23 the field of Law Enforcement, Public Safety, or closely
24 related field of discipline, ~~at a nationally~~ from an accredited
25 institution recognized by the Council for Higher Education
26 (CHEA) or its successors;

1 (b) must have at least two (2) years of experience in the rank of
2 Police Sergeant II, *or* equivalent law enforcement
3 supervisory experience, *or* must have at least four (4) years
4 of experience in the rank of Police Sergeant I, *or* equivalent
5 law enforcement supervisory experience; and
6 (c) other necessary special qualifications as established by the
7 Department of Administration *not* inconsistent with (a) and
8 (b) above.”

9 **Section 7.** §77110.5 of Article 1, Title 10 Guam Code Annotated is
10 hereby repealed.

11 ~~“§77110.5. GPD Colonel Position.~~

12 ~~Notwithstanding any other provisions of law, the qualifications~~
13 ~~for a Guam Police Department (“GPD”) colonel must require at the~~
14 ~~minimum that the applicant have held a major’s rank for at least five~~
15 ~~(5) years.”~~

16 **Section 8. Effective Date.**

17 The provisions contained herein shall be effective upon the enactment
18 of this Act and shall apply prospectively.

19 **Section 9. Severability.**

20 If any provision of this Act or its application to any person or
21 circumstance is found to be invalid or contrary to law, such invalidity shall
22 not affect other provisions or applications of this Act which can be given
23 effect without the invalid provisions or application, and to this end the
24 provisions of this Act are severable.