



The Honorable Judith T. Won Pat  
Speaker  
*I Mina'trentai Dos Na Liheslaturan Guahan*  
32<sup>nd</sup> Guam Legislature  
155 Hesler Place  
Hagatña, Guam 96910

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

RE: **Committee Report on Bill No. 418-32 (COR), As Substituted**

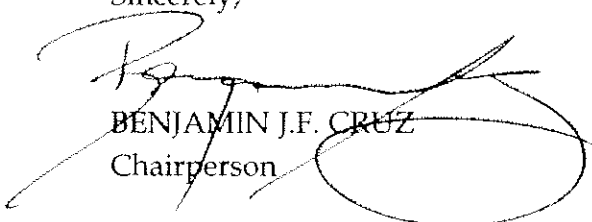
Dear Speaker Won Pat:

Transmitted herewith is the Report of the Committee on General Government Operations and Cultural Affairs on Bill No. 418-32 (COR) – B.J.F. Cruz – An act to *adopt* the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of peace officers and standards of employing agencies and training institutions, to be codified under a new Chapter 3 of Title 27 - Guam Administrative Rules and Regulations.

Committee votes are as follows:

- 3 TO DO PASS
- 0 TO NOT PASS
- 5 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

Sincerely,

  
BENJAMIN J.F. CRUZ  
Chairperson

2010 DEC 11 PM 3:44



## COMMITTEE REPORT

### **Bill No. 418-32 (COR), As Substituted by the Committee**

**An act to adopt the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of peace officers and standards of employing agencies and training institutions, to be codified under a new Chapter 3 of Title 27 - Guam Administrative Rules and Regulations.**



**MEMORANDUM**

**TO: All Members**  
**FROM: Vice Speaker Benjamin J.F. Cruz**  
**Committee on General Government Operations and Cultural Affairs**

**SUBJECT: Committee Report on Bill No. 418-32 (COR), As Substituted**

Transmitted herewith for your consideration is the Committee Report on Bill No. 418-32 (COR) - B.J.F. Cruz - An act to adopt the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of peace officers and standards of employing agencies and training institutions, to be codified under a new Chapter 3 of Title 27 - Guam Administrative Rules and Regulations.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 418-32 (COR), As Introduced
- Bill No. 418-32 (COR), As Substituted by the Committee
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- COR Referral of Bill No. 418-32 (COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda
- Related News Reports

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

  
BENJAMIN J.F. CRUZ  
Chairperson



**COMMITTEE VOTING SHEET**

**Substitute Bill No. 418-32 (COR) - B.J.F. Cruz - An act to adopt the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of peace officers and standards of employing agencies and training institutions, to be codified under a new Chapter 3 of Title 27 - Guam Administrative Rules and Regulations.**

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		✓ 12/11/14				
MUÑA BARNES, TINA ROSE Vice Chairperson						
WON PAT, JUDITH T. Speaker and Ex-Officio Member						
ADA, THOMAS C. Member		✓				
RESPICIO, RORY J. Member		MS 12-4-14				
RODRIGUEZ, DENNIS G. JR. Member				✓ 12/11		
SAN NICOLAS, MICHAEL, F.Q. Member				12/9/14		
AGUON, Jr., FRANK B. Member				✓		
ADA, V. ANTHONY Member				12/9		
Morrison, Thomas Member						
McCreadie, Brant Member						
YAMASHITA, ALINE Member				✓ 12/11/14		



## COMMITTEE REPORT DIGEST

**Substitute Bill No. 418-32 (COR):** An act to *adopt* the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of peace officers and standards of employing agencies and training institutions, to be codified under a new Chapter 3 of Title 27 - Guam Administrative Rules and Regulations.

### **I. OVERVIEW**

**Bill No. 418-32 (COR)** was introduced by Vice Speaker Benjamin J.F. Cruz on October 7, 2014, and subsequently referred to the Committee on General Government Operations and Cultural Affairs on the same day.

The Committee on General Government Operations and Cultural Affairs convened a public hearing on Thursday, November 20, 2014, at 3:30PM in the Guam Legislature Public Hearing Room. The hearing for Bill No. 418-32 (COR) began at 3:35PM and ended at 4:55PM.

#### **Public Notice Requirements**

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on November 13, 2014, and November 18, 2014, via email. Copies of the hearing notices are appended to the report.

#### **Senators Present**

**Vice Speaker Benjamin J.F. Cruz**, *Chairperson*  
**Senator Tina R. Muña Barnes**, *Vice Chairperson*  
**Senator Thomas C. Ada**, *Member*  
**Senator Frank B. Aguon, Jr.**, *Member*  
**Senator Aline A. Yamashita**, *Member*

#### **Appeared before the Committee**

Joshua F. Tenorio, *Judiciary of Guam*  
Barbara Perez, *Judiciary of Guam*  
Sophia Diaz, *Judiciary of Guam*  
John Lizama, *Judiciary of Guam*  
Joey C. San Nicolas, *Guam Fire Department*  
Jose A. San Agustin, *Department of Corrections*  
Pedro A. Leon Guerrero Jr., *Guam Customs and Quarantine Agency*  
Fred Bordallo, *Guam Police Department*  
Dennis Santo Tomas, *P.O.S.T Commission*  
Robert Camacho, *Guam International Airport Police*

Edward Toves, *Judiciary of Guam*

**Submitted Written Testimonies**

Joanne M.S. Brown, *Port Authority of Guam*

James T. McDonald, *Office of Civil Defense*

Joshua F. Tenorio, *Judiciary of Guam*

Joey C. San Nicolas, *Guam Fire Department*

Raymond F.Y. Blas, *Department of Parks and Recreation*

Jose A. San Agustin, *Department of Corrections*

Pedro A. Leon Guerrero Jr., *Guam Customs and Quarantine Agency*

**II. TESTIMONY & DISCUSSION**

**Chairperson Benjamin J.F. Cruz** announced Bill No. 418-32 (COR) and, based on the order in which individuals had signed-in, called representatives from the Judiciary to come forward to testify.

**Joshua Tenorio**, *Acting Administrator of the Court, Guam Judiciary*, introduced himself and his colleagues: **Sophia Diaz**, *Staff Attorney*; **Barbara Perez**, *Human Resources Administrator*; **John Lizama**, *Chief Probation Officer*; and **Edward Toves**, *Marshall of the Court*.

**Mr. Tenorio** provided comments on behalf of the Guam Judiciary in support of the bill. He stated that Edward Toves, Marshall of the Court, is a voting member of the POST Commission and that the Judiciary has been involved during the extensive review of the new peace officer standards. He continued that with one hundred twenty-five (125) personnel, the Judiciary has already been reviewing training records to identify employees who would have gaps and need to complete the program within the timeframe. He added that the Judiciary is working with the Guam Community College (GCC), specifically lending out its training supervisor from the Marshals Division, Captain Joey Terlaje, to serve in the cadre for the Basic Law Enforcement Academy (BLEA) program to ensure that it embraces the POST Commission standards as well have in-house expertise necessary to provide training to its employees. Mr. Tenorio stated that he's confident the Judiciary will develop a suitable business relationship with GCC to bring Judiciary employees up to standards at least in regards to education and training. He added that the Judiciary not only supports the physical fitness portion of the new standards, but it also has taken a proactive approach in identifying internal resources to identify officers who would require fitness training in order to come in within regulations.

**Senator Aline A. Yamashita** thanked Chairperson Cruz and emphasized the importance of promulgating rules and regulations for government peace officers. She asked Mr. Tenorio how the Judiciary intends to maintain its level of standards among its personnel once everyone is within regulations.

**Mr. Tenorio** stated that ongoing evaluation is currently an evolving program. He opined that the physical fitness mandate will require constant maintenance—at least for the certification of officers—but behavioral health will also need to be checked and maintained. He admitted that behavioral health has not been part of assessment of fitness for duty, and that facet of readiness has only been addressed when adverse action presented itself and explicitly required attention. He mentioned that while law enforcement officers and other court employees have been referred for psychological evaluation as part of proper assessment of fitness for duty, the Judiciary has the capability to provide access to on-island providers but instead refers these cases out. Additionally, he stated that these evaluations are based on the specific event that, as opposed to additional information about “peculiarities” and registered events—which is the current practice. He added that the Judiciary is open to considering periodic checks for employees, especially since post-traumatic issues do arise, but he expressed that that area of assessment for court peace officers still needs to evolve.

**Senator Yamashita** expressed that she was pleased to hear the Judiciary’s position on such matters, however she was more concerned about the manner in which first responders and peace officers in general handle situations wherein parties involved have mental disabilities. She mentioned that she is familiar with the mental health court and its procedures, but she is more concerned about how the training areas in the bill (see Appendix A, page 7) include skill sets for handling physical but not mental disabilities. She asked Mr. Tenorio if the Judiciary would support including such training area to the peace officer standards, to which he replied affirmatively.

**Senator Yamashita** continued:

“I’m very happy to hear that. It just makes a difference and let me say this for the record right now: I have found that police officers [and] fire fighters are incredibly good with [my family]. Just last weekend we have had to access them; Eric and I had to go there and they are just good—just got a handle on it—and didn’t want to throw us in jail. They just read the landscape and helped us, but not everybody does and we have just been lucky. So when I saw that Vice Speaker Cruz was introducing this—and of course there would be more deliberation—but anywhere I can, I’m going to insert that [to] anyone [who has] the safety of our people put in your hands, in your head and in your heart, you have to know how to deal with more of us who we are all over the place now, and we are not dying young, we are just living. So how do you deal with us—and it’s not always easy but it really isn’t hard either—and so that whole attitude and that whole openness... but it’s not there. We are talking about physical challenges a lot but we are not yet talking about mental challenges and so I just want you to know I will be taking advantage of my last session and inserting that wherever I can.”

**Mr. Tenorio** added that now is a good opportunity to identify risks and needs

assessment tools for probation officers to use on all adult and juvenile defendants. He estimated that 60 to 70 percent of the juveniles who go through the court system has behavioral problems. He added that such tools would also require the workforce to be more educated about and understanding towards Guam residents who have these concerns about behavioral health and fair treatment of the mentally/emotionally challenged.

**Senator Yamashita** continued:

“Right, those residents and their families, because their families come tied with them. We’re probably the more difficult of the package but once you understand us it becomes easier to deal with. Again, [Mr. Tenorio], we talked about this maybe three (3) years ago when we had a group community conversation and we had talked about an identification system for those of us with mental health challenges. I had hoped that it had already been in place [by now] but it’s not. I think if we had a collaborative effort with all the first responders and I know that the [Guam Police Department] (GPD) had something but it’s not widespread—because I know I’m not, and I know [my son] Ric is not on the database. If we were able to get that for all our people, even for middle-aged [people] and *manamko*, if [emergency services] get a distress call from our address and they will already know how to approach, right? And then in times of emergency, the next time we have an 8.2 earthquake, or whatever, then they will know. Ric has grown so, you know, when I die, you guys have to take care of him, you already know. However, that identification system is not there, and that [such a system] will really help in intervention and prevention issues. I know you allowed me the honor of being at your table about three weeks ago—you guys are looking at something. Just think that any time you have that kind of review, you can kind of go in and determine what kind of training our law enforcement needs to be as effective and efficient. That will go such a long way so I hope you guys do that.

**Mr. Tenorio** added that the Judiciary’s staff attorneys have been meeting with staff who develop work with juveniles who have Individualized Education Programs (IEP) or behavioral plans at GDOE, trying to figure out ways to share the information so the school resource officer and the other probation officers who are interacting with those schools are know which students are receiving services or those who have been identified as challenged but are not receiving services.

**Senator Yamashita** stated that many children have been identified by the school system struggles with implementation of policy and leadership. She added that the problem has nothing to do with funding. She opined that GPD, the Guam Fire Department, and other Peace Officers have a better handle on the situation.

**Senator Frank B. Aguon, Jr.** began:

“Thank you, Mr. Vice Speaker, and good afternoon everyone. Thank you everyone for appearing. Not too long ago, earlier in this Legislature, there was



legislation that was introduced that would look and lean to the direction of establishing a physical fitness standard for all law enforcement and based on previous discussion there was a request for specific legislation [that] would be help until such time that the Peace Officer Standards and Training (POST) Commission comes out with their own proposals and regulations and that's what we have before us. My issue or concern would be looking at the proposal, which I know has a three-year timeline for implementation. One of the questions that I received repeatedly was on the implications on compensation and employment of individuals within our law enforcement community should they not meet these requirements. It is very critical that our law enforcement, all inclusive in the government of Guam, understand exactly what we are looking at because a three-year time frame to acknowledge that there are new standards, to acknowledge that we have to comply as a government community of law enforcement, we have to comply with these standards, and three years is ample time. But I believe that our law enforcement officers out there want to understand what would the impact be on employment versus compensation."

**Mr. Tenorio** explained that regardless of the readiness of applicants or employees, the demand for personnel still stands. He mentioned, for example, that during their internal meeting it was discussed extensively that the Judiciary needs to fill positions for fifty (50) marshals. He stated that if there peace officers who are out of regulations, there may be other positions they are qualified for, positions that may be pursued through a competitive process; however, operationally, the bottom line is if these officers don't meet the requirements within the timeline, they would face dismissal through an adverse action procedure.

**Senator Aguon, Jr.** said:

"Mr. Chairman and Mr. Vice Speaker, it's not just that that particular message is also imparted to our community out there—it's not just passing [legislation]. I think it is very important that [we have] rules and regulations that establish physical standards but, guess what, there are implications in regards to their employability within the government of Guam to understand. Within our law enforcement community, what would the impact be, and obviously start working in that particular direction in terms of making sure that within that three-year time frame once its effectively implemented across the board that our people are ready and fit to continue to serve our community in their law enforcement capacity."

**Mr. Tenorio** said:

"Right and for us, and I would imagine also the other agencies, we're going to have orientation sessions with the law enforcement officers that are affected. You know there are law enforcement officers, at least some for the educational requirements, who are grandfathered in. I think everybody employed after 1997 would be coming through to make sure we have records of their completion of

all their classes that would eventually be POST-approved. And then there are plans coming up with [a] good strategy, like I said, [that involves] working with GCC to implement the academic side, and the physical training side [that] applies to all employees.”

**Senator Yamashita** said:

“So the grandfathering piece—even the employees who are grandfathered, I think that the standards still have to apply to every single employee entrusted to take care of us.”

**Mr. Tenorio** confirmed:

“Right, that’s true. Sure.”

**Senator Yamashita** said:

“So you would find a mechanism to make sure they get the training the support to meet those particular standards.”

**Mr. Tenorio** said:

“Yeah, no, I think our view is that these standards are important. It signifies the public’s confidence in the law enforcement officers’ very serious responsibility and I think the reason why the POST Commission has come up with these proposals—keeping in mind that we have to maintain those assurances to the public.”

**Senator Ada** made three comments about the legislation. His first concern was in regards to the potentially prohibitive cost of several certifications required for pre-employment. He noted that many applicants may not have the kind of discretionary funds available to obtain medical and psychiatric clearances. His second concern was in regards to the multiple rounds of retesting, but more specifically the time period allowed for a peace officer to pass the test. He continued:

“They take the physical fitness exam test, they flunk it, so they get thru first unseat then they get their ninety (90) days to retest and then they take it again. And they have another ninety (90) days to retest, they take it again. Two hundred seventy (270) days go by, nine (9) months, and an individual still cannot pass the physical fitness test. It seems that the bar is set so low that if he can’t step over it, what makes us think—I just find it a little concerning that the standard really should be a little higher. I mean I would expect that from our peace officers—and I look around at a lot of our peace officers and let’s face it, if you can’t get himself in shape in ninety (90) days, so you would take it again, and even after that second retry come back in thirty (30) days. But to let him go for ninety (90) days, according to this again, on page 6, paragraph (f), on Failure, so what happens that he flunks it four (4) times, that’s a year. He takes the test four (4) times in one year and he still cannot pass it. I have no reason to believe he’s going to pass it on the fifth year or the fifth time but what do we do? Where is

the incentive to really excel?”

His third concern was the administrative transfer clause. He noted that according to the standard, a peace officer who receives four unsatisfactory results within a twenty-four month period may be assigned to an administrative position. He continued:

“And on top of that, a peace officer who fails the fitness standards after full implementation shall be eligible for intradepartmental and interdepartmental transfer. Maybe I don’t like going out there chasing or getting pounded by bad guys—I’ll flunk the test four (4) times; I’m going to get assigned to a desk job—and a desk job can just be as demanding, I think so. I’m just concerned about the bar this standard is setting. I definitely will take the time to look at it but it just seems that the bar really could be set a little higher. That’s my initial take on this quick read, and I will go back and look at it closer.”

**Mr. Tenorio** stated that the Commission, in drafting the standards, incorporated elements from every law enforcement entity on island. He said that the Judiciary had internal discussions about higher standards regarding certain aspects of the regulations, but the current standards, as promulgated, is a negotiated, joint effort pushed out by the collective body. He continued:

“Our testimony is that we’ll definitely meet the standard that is adopted, whatever that may be, and you know there are folks in the Judiciary [who] have similar concerns or similar views as [yours] and we’ve had some conversations about whether or not to have statutory authority or what do we need to do within our own personnel rules to see if we were going to have a higher standards. But in the spirit of government and trying to be consistent with the executive branch, we come today to support what is submitted.”

**Senator Ada** said:

“I understand, and I guess the bottom line is that the peace officer corps so to speak from the Judiciary or the executive branch is a paramilitary organization and there are certain expectations and certain standards that are expected of such an organization and I just really don’t quite see it here. Thank you.”

**Chairperson Cruz** opined that the POST Commission members should have been called in first. He excused the Judiciary panel, with the exception of Mr. Toves, and invited the POST members to come forward.

**Mr. Tenorio** said:

“Mr. Chairman, before I leave I just wanted to say that—one of the things that I am hopeful other POST Commission members will consider—we are going to seek and ask their support if we could have a seat for the probation officers and seat for the marshals. If they agree then we would ask for the law to be amended. It’s nothing we’ve discussed yet with them. Just to let everybody know, that’s just something that I’d like to see if they would consider.”

**Dennis Santo Tomas** (*Executive Director, POST Commission*), introduced himself and his colleagues: POST Commission Chairperson **Robert Camacho** (*Airport Chief of Police, Guam International Airport Authority*); Vice Chairperson **Vince Perez** (*Assistant Chief, Department Customs and Quarantine*), **Pedro Leon Guerrero** (*Director, Customs and Quarantine*), **Joey San Nicolas** (*Fire Chief, Guam Fire Department*), **Fred Bordallo** (*Police Chief, Guam Police Department*), and **Joseph San Agustin** (*Director, Department of Corrections*).

**Robert Camacho** (*Airport Chief of Police, Guam International Airport Authority*) began:

“Thank you very much for this opportunity to talk about our Peace Officer Standards and Training and I hope to answer some of these questions that Senator Ada has brought up. Briefly, we’ve been working on this for about three (3) years already and we have input from all the different law enforcement agencies and a lot of debate, a lot of arguments, and a lot of back and forth issues regarding the standards of training and education, [on the job training] (OJT), and all these other areas. We also have GCC involved and we talked about the academic standards we had [Department of Administrative] (DOA) apart of the Committee discussion and looking at all the areas that may involve civil services. This is really a monumental thing, it’s been a long time coming and we have all been talking about it for a long time coming and we’ve finally gotten together and put our heads together to come up with some kind of basic document. Of course, this will be something that may have some issues that have to be corrected. It would be almost like a living document and there’s going to be changes along the way. I would think as we go through the growing pains of the program implemented on what we have done, but I am very confident on what we’ve done and we’ve also done some research with other states—Arizona, Colorado, New York and California—and just looking at what other agencies have implemented [standards] and also at the fact [that] we got all the experience from the trainers from all the different agencies, what is it that they are looking at, what are the problems the internal affairs issues, that we keep coming back. And the Attorney General had some issues, too, how happy they are with the reports more, training and police report writing all these issues. We did our research and we have a lot of input, discussed it thoroughly. We wanted to have a standard for all the peace officers whether it be at the Airport Police, GPD, and Port Police, what have you. All these Category 1 personnel and Category 2 especially, and so that when the police officer goes through a training or police officer training cycle we say, hey, this guy is qualified to go to almost any agency because he has the basic training. Every soldier knows that the common skills, so that’s what we we’re focusing on. The other thing the POST Commission does is it gives a more accountability for what the peace officer does. So if a police officer messes up or out on the field, we go back and say, well, did get the training. Well, according to this certificate he did receive the training so it helps us understand where are all the problems that we’ve been experiencing throughout the years. The area we have that has been controversial is the fitness

program.”

**Chief Camacho** continued:

“I had mentioned that three (3) years is a long time and two hundred seventy (270) days and, I thought one year was enough to get everybody. Yet, I don’t want to wait three (3) years and some say two (2) years, some said four (4) years, and some said five (5), so we can come up with the three-year implementation come to a compromise and say, let’s work on this, and said just so there would be no excuses. The question was whether or not two hundred seventy (270) days was too much because in actuality if we call it three (3) years, and so forth, that’s almost four (4) years to get ready and it is law and we also discussed this with DOA and says, what would be some of the issues if civil service—would it be progressive counseling? Would we give them ample time? And in the end, we said, by this time [if the peace officer still had failed] we had to transfer this guy out or he had to be assigned to a different position. There would be no excuses because he [was given] more than enough ample time, was given counseling in every single level where he failed. And [after that] does the agency have to give this person a job? After that, that would be under debate because if first he has to have a position that is open and the Civil Service [Commission] (CSC) would have to be involved so that one I’m not too clear on, whether or not that would happen, whether it would be permanently terminated because there is no transfer. Let’s say, there’s no position for clerical work, the officer has no experience, education and training or, what have you, so can’t just give him a clerical job, so there might be some areas that we need to look at even further in that area. But I think to me it’s more than enough time and if I had to decide on my own, I would have it a bit shorter. [Discussions about the physical fitness standards] will help the services and if the officer is healthy, mentally, physically, he is going to respond more effectively. There would be [fewer days of] sick leave [taken]. We spend thousands upon thousands of dollars on sick leave compensation throughout the years. Overtime costs are also high because of absences [due to illness], and everybody knows from every single agency that it reaches millions of dollars. (Senator Ada continues to provide other examples of the possible effects on performance due to poor physical fitness levels among law enforcement officers.) The overall view of the POST Commission, what we are trying to prove here, is really the whole gambit of it is Homeland Security and for every agency going to one standard we can say we are fairly confident that this will improve our Homeland Security issues and all our officers and police officers can respond effectively in case of an emergency we all have the same type of training. We can have mutual support and you know this is a great opportunity for all of us to finally get into one program that shows that we have done stands and one mission of public safety.”

**Chairperson Cruz** said Senator Ada had a question.

**Senator Ada** commended Chief Camacho on his explanation of the importance of physical fitness, but noted that there is more to operational readiness than physical training – take for example, mental discipline. He said that he is familiar with everyone in the panel (with the exception of the Mr. Perez of Customs) and he did not expect this level of standards from a panel of law enforcement experts such as those presently seated in front of the Committee. He continued:

“Now I recognize that there are the consideration of what will CSC say, quite frankly, and all that you had learned this from the military, do something and then develop the situation from there. And if in fact the [officer] cannot pass the test, he has three (3) years to get up to speed. A good example would be with GPD; if you're police officer who got arrested with family violence, he loses his weapon.”

**Fred Bordallo** (*Chief of Police, Guam Police Department*) said:

“You take away his weapon; that’s correct, Senator.”

**Senator Ada** said:

“So what happened if you take away his weapon? Can he still be considered a Police Officer with GPD?”

**Chief Bordallo** said:

“If he's convicted with family violence, he loses his law enforcement career, everything, and [he will] be dismissed from the Department after that.”

**Senator Ada** said:

“So in the case of GPD, here’s the standard. It’s either adhere to [it] or you’re out. So just concerned about what about the lawyers, this and that. Do it and let’s find out. Thank You.”

**Chairperson Cruz** called on the next speaker from the panel.

**Vince Perez** (*Assistant Chief, Department of Customs and Quarantine*) said he concurs with everything said by Chief Camacho. He wanted to add that the POST Commission is basing the entire program on an Air Force Instruction, [which] is backed by science, data and research. He added that aspects like the ninety- (90-) day retesting period were found in the Air Force Instruction. He said that the actual instruction, modeled after the military model of fitness, is based on age, with the progressive sliding scale downward, as an officer gets older. He mentioned for Senator Ada’s information that his background includes sixteen (16) years in the Air National Guard, so he understands fitness requirements. He added that he has participated in many fitness programs. He concluded that he concurs with the POST Commission that the rules and regulations it is proposing to adopt is necessary but imperfect, therefore requiring adjustments and corrections as the process moves forward.

**Fred Bordallo** (*Chief of Police, Guam Police Department*) said he concurs with Chief Camacho and Mr. Tenorio about how the POST Commission met the executive order and how meetings were conducted to receive input for the drafting of the POST administrative rules to include physical fitness. He said that Senator Ada makes compelling argument in terms of looking at the philosophy of the consequences of failing to pass the physical tests. He said there were many suggestions for the timeline from one (1) year, six (6) months, to zero (0) tolerance, but finally concluded, after much discussion about the importance of physical fitness among our law enforcement officers, that the rules and regulations the Commission proposes to adopt is a starting point. He said that with all the input the Commission has received, there will always be room for improvement in regards to standards. He continued:

“[There will] always be potential to up the bar, as you said, when it comes down to challenging our troops and letting them know that this is overall [to their] benefit because overall the goal is to look at them being able to function as law enforcement officer, not sending them to failure or not really being confident that it’s standards that we believe they can meet especially when we have young generations all looking at law enforcement as a career on this island.”

**Chairperson Cruz** said that, though he does not want to pre-empt any discussion, he hopes none of those in the panel would object to an amendment, as proffered earlier by Senator Yamashita, to require extensive training to instruct officers on how to handle individuals with special needs.

**Joey San Nicolas** (*Fire Chief, Guam Fire Department*) stated that if a recruit receives training through the GCC Criminal Justice Academy program, the law provides for compensation for training costs that comes from the hiring agency. He suggested that the Legislature consider a reimbursement for the cost of medical clearances for applicants upon hiring.

**Chairperson Cruz** stated that it should go further back without divulging or exposing confidences. He recalled an incidence wherein a BLEA recruit who was also in the University of Guam (UOG) Reserve Officers’ Training Corps (ROTC) program and was relieved because of some issues with guns; upon further research that individual was expelled for coming to school with a weapon. He opined that the evaluation to determine their employability should take place before they are enrolled in the BLEA program.

**Chief San Nicolas** said that the draft of the POST rules and regulations was a result of collaboration over three years. He stated that in regards to the psychological testing, agencies—at least for GFD—conduct a very extensive background investigation, including court and police clearances and educational background, for every single applicant that are up for interview. He said that during the firefighter training cycle, some signs of psychological problems become more apparent in some individuals who may not be fit for law enforcement. He said that GFD would have no issue in amending

the rules to require psychological testing. Secondly, in regards to training for handling special needs individuals, he said that is addressed in the firefighter training curriculum for fire personnel and emergency medical technicians (EMT). Secondly, in regards to the three-year timeline, he stated that he understood that period as “more of a transitional phase”, and that there is language included that allows for the Commission to make revisions. He reminded the Committee that these physical fitness standards, which have never been in place, would result in many officers requiring more than ninety (90) days to meet this minimum. He said that he also anticipates grievance cases filed with CSC wherein individuals will claim that the physical fitness requirement was not part of their original employment conditions. He opined that the timeline is an “across-the-board” standard, to include the military during transition or implementation of new programs, e.g. the United States Marine Corps allowed for the three- to five-year transition (depending on rank) when it adopted new physical fitness testing standards. He continued:

“I think what’s important here is we set the standard, which are these rules that we made as a product of this Commission, and then allow for the situation to develop then we can always revise later to meet your concerns.”

He added that GFD will further enhance the physical training requirements and described at length a groundwork evaluation program that would test a firefighter’s ability to perform tasks, e.g. raise a ladder, pull a hose, carry equipment. He said that the examination would play a role in defining what “fit for duty” means, and guide doctors in prescribing light duty assignment for injured personnel. He added that there is language that allows for each agency to specifically require further testing as necessary. He concluded that he supports rules and standards proposed for adoption by the POST Commission and reiterated that the rules actually allow and anticipates improvements.

**Pedro Leon Guerrero** (*Director, Department of Customs and Quarantine*) read a prepared written statement (appended to this report).

**Joseph San Agustin** (*Director, Department of Corrections*) read a prepared written statement (appended to this report). He stated that although as a Marine he would suggest a single thirty-day (30) retest period, this would not be fair for peace officers. He continued:

“We want to consider and really make sure [that our peace officers] are physically fit, trained, academically ready to go and just not focused on physical but also administrative knowledge as well. It’d be really unfair to not put the Commission here on a trial and adjust some of the language or process that was identified by the members here (in this panel providing testimony) and be able to make a more realistic [time frame]. Instead of within thirty (30) days, they don’t pass, take them out; I think three (3) or four (4) failures is reasonable, but the only way we can prove that is by putting the program to a test.”

**Edward Toves** (*Marshall of the Court, Guam Judiciary*) said that he wants to base his



opinions not only on his twenty-nine (29) years in the Guam Air Guard, but also on his experience with work-related issues and his appreciation of the importance of fitness. He stated that everyone wants to have a responding officer who is physically fit and able to provide professional service, and every peace officer wants to ensure that his or her partner is physically fit because when a fight is only going to take a few seconds, responsiveness is a deciding factor. He said that he's certainly open to changes as far as even improving psychological readiness, and certainly open to changes with the physical fitness. He said that there might be differing opinions regarding the testing time frame, but he would personally want it limited to "a few months" because he was a previous serviceman in the Army. He emphasized that the focus should be on adopting the rules and then making changes afterwards. He concluded that he supports the inclusion of psychological testing because that is an area with which he has had experience in his current line of work.

**Mr. Santo Tomas** said:

"I'm very proud to have worked with the whole team here for the last couple years and it's a lot of work and a lot of cooperation. I think it's the first time we've pulled this many people for this long of a period and it was really an intra- and inter-agency effort. And on Guam, like what Chief Bob Camacho said, we have a lot of health challenges in the community, so our peace officer community, they're not excused from that. They're really part of this overall gigantic problem that we have with health and fitness so, I think it's a good thing that the leaders of these respective agencies are personally involved with this developmental process of these rules. It shows that they have concerns, they have the sincerity for their officers, but it's a two-step process. We can only develop these things; we're going to need their full effort to make it work. So it's really a first step of many. Like what many have said, this is the first step, this is version 1.0, there'll be a version 2.0 and 3.0, and so forth. [This is] a living document that continues to build. I agree with what was said about a psychological evaluation and find a solution for that. We've really focused on the baseline peace officer with these sets of rules. We already have discussion and meetings in the works for developing further standards with officers as they progress in their careers as they become supervisors, managers, chiefs, fire battalion chiefs, or whatever. Whatever position they rise to, that is also in the works. Granted it's not in the 1.0 version but the subsequent versions, that will be, that is the intent of the Commission: to develop standards for the different levels as an officer moves up in his or her career. Again, I agree with everybody; we support this wholeheartedly. We realize it's subject to change and improvement, but we ask for your full support in at least allowing the Commission to put something out there that we can start putting [it] to work. Then from there on, it can improve. Chief Camacho will provide some follow up comments."

**Chief Camacho** said:

"I'd be remiss if I don't mention that, as we look at what peace officers are identified by statute. There are some positions throughout the government of Guam that do have security missions, such as the guards at the Port, Airport and Corrections [who] are not included in the peace officer categories, because [they're] not described as peace officers. So I was wondering if the agencies can submit a list of those positions and so maybe that can be introduced later on or I'm not sure if it's possible to introduce it here; we can include them as part of the peace officer identification. Because these guards at PAG, Airport and DOC do the same type of security measures and need the required training. As of this time, they would not be required to because they are not identified as peace officers. And even [Department of] Revenue and Tax agents are not identified, so we'd like to ask if they can submit that as part of an amendment or an inclusion into the law. If not, maybe a subsequent bill."

**Chairperson Cruz** said:

"Let's make it a subsequent piece because there's going to be quite a bit of discussion between whether or not the brand new agents are going to have the same requirements. But I understand. We even received a message from the mayors because they were wondering whether or not they had to comply. Senator Yamashita has a question."

**Senator Yamashita** said:

"Thank you very much, Mr. Vice Speaker. Thank you for all of the work and I agree; it's a good starting point, and so now, Colonel. As you have been pulling everyone together and collaborating and you're looking forward, do we already have rubrics for the report writing for the Criminal Justice (CJ) review, the first responder, the survival use of force, firearms and safety, etcetera. Is there already a developmental growth of what you know for beginning officers, and in your next group, and the next group, how you see that grow? Or is that a work in progress because when you talk about your training record, my best guess is that your training records will be based on what we expect our officers to know and be able to do as they grow in experience, and as they do in this world of work. And so am I correct in thinking that that is a next step? Because I hear everybody saying they've been working on it for three (3) years, we're at a good place—this is a good starting point—and we need to move forward. And so as we are going to move forward, is that something that we're looking at that we'll have these indicators spelled out about what it would look like. The beginning, the more experienced, the mature officer?"

**Mr. Santo Tomas** said:

"With regards to the respective skill sets that you're mentioning here, UOG and GCC are both [non-voting members of the] POST Commission. So I work closely with them. A lot of what we see here are, what we have listed here are what's already in the CJ program to get CJ certification. You have to take officer

survival, you have to take weapons qualification, and so forth. Some of the new ones that we did add in which will have to be added in UOG and GCC curriculum is Cultural Awareness and Sensitivity, dealing with physically challenged individuals. Noted, we should also include mentally challenged as you recommended, the Juvenile Justice and Delinquency Act that was also added. The Commission, active shooter—very important to us these days—so aside from the standard stuff, we're listed up front. The list I just read out were some the Commission recommended be added to both GCC and UOG with their respective programs.

**Senator Yamashita** asked:

"But Colonel, then are you saying that all peace officers essentially are enrolled in the GCC/UOG program? Or is it going to a development program so that as we go on, all the directors and chiefs will say to these officers, by this year, this is what you'll be able to know and do, and you're going to be evaluated on this. And we will help you. We'll get you the training, we'll give you support, but this is what you need to be able to do. I think the physical fitness thing, while some of us on island have trouble with weight and all of that, that I think we can get a handle on. Sometimes, I think the behavioral wellness issues are harder, because a lot of us don't want to deal with it. It really simply is, act the way I want you to act, or else get out. And it doesn't happen like that anymore. Am I correct in thinking that this whole professional development program is going to be peace that will come and we will provide that to everybody in the different branches and we will continuously support the officers in being competent in the different areas. I don't know if anyone's shown you out of the UOG CEDDERS program, they did a study. General Orders 12-03—have you seen that study? Okay, I will share that with you, hopefully by Monday. What they did was they talked with all of your recruits and everybody was generally familiar with General Orders 12-03, which I'm very happy is in existence. But what the officers were not able to do was really talk it out. They knew that some of us had some behavioral wellness issues; they knew that some of us were different and there were different strategies, but they didn't know how to. And the LEND students under Carla Torres' teachings, has a document now. And I would like you all to see that because I really believe that your heart's in the right place. The intelligence I get is there, you guys know what you're doing, you are [military servicemen] but now I'm talking about ten percent (10%) of us. That's what I'm talking about. And you know what, Colonel, it's the ten percent (10%) of us that's heck. You already saw it, in February, and it's going to happen again and again. And that's what we need to get a handle on. And so I'll send you the LEND, and maybe you and I can have a conversation offline, before we go into session on this. But I also hear you say and agreeing to dealing with mentally challenged and the professional development program, that would give me a sense of relief that that is in the horizon, that the curriculum is there, that even if you don't go to the GCC/UOG program, that the chiefs are going to require that

this your professional development plan in this year and this year, and this is what you'll be able to know and do and care about and if you don't. And I'll tell you what, three (3) months, six (6) months, nine (9) months, that's way too much time for us. It only takes us one instance to spiral. I know I'm singing to the choir and it's on the record, and it's very important to me, and I thank you."

**Senator Aguon** said:

"Just one follow-up. Thank you, Mr. Chairman. One follow up inquiry because all of the language here in terms of the penalties, in terms of taking the test should someone be successful. Now is there an additional component to this, which is the chart, which specifies, I know Major Perez alluded to that. Obviously that's very critical and in fact, it's officially adopted as part of these rules and regulations and that every law enforcement officer understand what their minimum requirement would be to be recertified. So that chart, if you can please provide it to the Chairman, would be very critical in terms of determining, like I said, every single law enforcement understands, if you're at the age of eighteen (18), guess what, you have to meet the maximum standards. According to the chart, if you're at the age of 35-plus or 45-plus, it's a little more lenient taking into consideration not only your gender, but also your age category so that really has to be presented to the Chairman."

**Mr. Santo Tomas** interjected:

"Those charts were actually included in the submission. Maybe not in that packet [that you received] but in the overall packet."

**Senator Tom Ada** said:

"Just a closing comment. First of all, I want to say I have confidence in this panel. So the fact that you mentioned—this is your starting point, and you're going to come back [to improve on this]. This is a living document and it will be revisited. It certainly gives me a lot of encouragement. And in fact, there's § 3014 that is subject to revision; it should be subject to change as determined by the POST Commission. And I'm just wondering that maybe I would certainly be inclined to put an amendment in the bill that really would require that the Commission will have to, maybe three (3) years, issue a certificate. As we have reviewed this, it's fine, we don't need to add or retract anything, but there will be that mandate, you have to come back and revisit it. Otherwise it's one of those set it and forget it. And I think that would be helpful. Thank you."

**Senator Tine R. Muña Barnes** said:

"Mr. Chair, thank you. I think my only comment was on the reciprocity part—and just making sure—because it allows for the reciprocity to kick in from other jurisdictions, but they also must do these certified training course here on Guam. And how long is that if there's an equivalent done for that program, they're certified and completed all the prerequisites right there, they still have to go to

the one here on Guam?”

**Chief Camacho** responded:

“When we look at the subject matter, let’s say they don’t have active shooter, and we say, hey, you have to take this active shooter and it can be done in house and we can certify each of the instructors in the agencies, certified by the POST Commission. So as long as there’s a certified instructor, and he goes through that thing, that would be acceptable, or something that might be similar. Like say they went through urban training, which is similar to active shooter, then that would be acceptable.”

**Senator Barnes** continued:

“The other thing that’s come to mind is like, making sure that all of the officers, one that’s come to mind was the support from Homeland Security. I don’t know if there were officers that were stationed there. Would that be included? Just food for thought.”

**Chief Camacho** replied:

“That would have to be put into consideration in the legislation.”

**Chairperson Cruz**, on account that there was no one else present to provide testimony, considered Bill No. 418-32 (COR) as heard.

### **III. FINDINGS AND RECOMMENDATIONS**

Based on testimony provided at the measure’s public hearing and various public statements expressed after that date, the Committee found it necessary to amend both the measure as proposed and its accompanying Exhibit.

The following amendments are intended to properly recognize the peace officer designation of the island’s Mayors and to ensure that all peace officers receive proper training related to those with mental health challenges and physical disabilities.

**1<sup>st</sup> Amendment [(Page 2 of the measure, beginning on line 4)]:**

“Qualification Test and all other required standards of performance to include competencies required to appropriately interact with people with disabilities and people with mental health challenges.”

**2<sup>nd</sup> Amendment [Page 4 of the Proposed P.O.S.T. Rules, § 3004(c), last sentence]:**

“... mental or emotional conditions that would adversely affect performance, as well as certification that they have completed training in working with people with disabilities and training in working with people with mental health challenges.”

**3<sup>rd</sup> Amendment [Page 7 of the Proposed P.O.S.T. Rules, § 3006(a)]:**

“... Dealing with Physically Challenged Individuals, Dealing with People with Disabilities, Dealing with People with Mental Health Challenges, Juvenile Justice...”

**4<sup>th</sup> Amendment [Page 4 of the Proposed P.O.S.T. Rules, § 3003(c)]:**

Category 3. Category 3 peace officers are peace officers who have authority to enforce governmental regulations or laws as specified in their job description and within the scope of the agency mission. The following positions shall be held by Category 3 peace officers:


- 1) Rehabilitation personnel of the Department of Corrections as are designated by the Director of Corrections
- 2) Community Assisted Policing Effort Volunteer, Guam Police Department
- 3) Elected Mayors and Vice Mayors of Guam

The Committee on General Government Operations and Cultural Affairs to which was referred “Bill No. 418-32 (COR) - B.J.F. Cruz - An act to adopt the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of peace officers and standards of employing agencies and training institutions, to be codified under a new Chapter 3 of Title 27 - Guam Administrative Rules and Regulations” hereby submits these findings to *I Mina'trentai Dos Na Liheslaturan Guåhan* and reports out Bill No. 418-32 (COR), as Substituted by the Committee, with a recommendation TO Report out only.

**MINA ' TRENTAI DOS NA LIHESLATURAN GUAHAN  
2014 (SECOND) Regular Session**

Bill No. *48* -32 (COR)

Introduced by:

Benjamin J. Cruz 

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**AN ACT TO ADOPT THE RULES AND REGULATIONS OF THE  
PEACE OFFICER STANDARDS AND TRAINING COMMISSION  
CONCERNING CERTIFICATION OF PEACE OFFICERS AND  
STANDARDS FOR EMPLOYING AGENCIES AND TRAINING  
INSTITUTIONS, TO BE CODIFIED UNDER A NEW CHAPTER 3  
OF TITLE 27 - GUAM ADMINISTRATIVE RULES AND  
REGULATIONS.**

2014 MAY - 7 11:46:28  


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

1           **Section 1. Legislative Findings and Intent:** *I Liheslaturan Guahan* finds that the Rules  
2 and Regulations, GUAM *P.O.S.T. (PEACE OFFICER STANDARDS AND TRAINING)*  
3 *COMMISSON ADMINISTRATIVE RULES*, were duly promulgated by the Peace Officer  
4 Standards and Training Commission, both pursuant to § 51102(h)(2) of Chapter 51, Title 17,  
5 Guam Code Annotated (Peace Officer Standards and Training Commission), and pursuant to  
6 Article 3 of Chapter 9, Title 5, Guam Code Annotated (Rule-Making Procedures).

7           *I Liheslaturan Guahan* finds that there are a number of crimes that impact the safety of  
8 our island community and there should be uniform minimum standards for peace officers on  
9 Guam with respect to education, training, and physical fitness.

10           *I Liheslaturan Guahan* further finds that having this information readily available in a  
11 central database system and at the Guam Community College (GCC) ensures that all peace

12 officers have access to the standards in order to readily prepare for the Physical Fitness  
13 Qualification Test. Additionally, this allows for public participation and provides them with a  
14 sense of security that all peace officers abide by a minimum standard.

15 It is, therefore, the *intent of I Liheslaturan Guahan* to adopt the Rules and Regulations  
16 aforesaid, appended to this Act as Exhibit "A".

17 **Section 2. Adoption of Rules.** The Rules and Regulations, entitled GUAM *P.O.S.T.*  
18 *(PEACE OFFICER STANDARDS AND TRAINING) COMMISSON ADMINISTRATIVE RULES,*  
19 and attached hereto as Exhibit "A", are hereby adopted by *I Mina 'Trentai Dos Na Liheslaturan*  
20 *Guahan,* and *shall* be codified under a new Chapter 3 of Title 27, Guam Administrative Rules  
21 and Regulations.

22 **Section 3. Amendment of Rules.** The Peace Officer Standards and Training  
23 Commission shall, pursuant to Article 3 of Chapter 9, Title 5, Guam Code Annotated,  
24 review and amend, as may be necessary, the Rules and Regulations adopted pursuant to  
25 Section 2 of this Act.

26 **Section 4. Severability.** *If* any provision of this Act or its application to any person or  
27 circumstance is found to be invalid or contrary to law, such invalidity shall *not* affect other  
28 provisions or applications of this Act which can be given effect without the invalid provisions or  
29 application, and to this end the provisions of this Act are severable.

30 **Section 5. Effective Date.** This Act shall become immediately effective upon enactment.



CHAPTER 3

GUAM P.O.S.T. (PEACE OFFICER STANDARDS AND TRAINING) COMMISSON  
ADMINISTRATIVE RULES

- § 3001. Peace Officer Training and Standards Commission
- § 3002. Authority and Responsibilities of P.O.S.T. Commission
- § 3003. Peace Officer Categories
- § 3004. Pre-Employment Requirements
- § 3005. Establishment of Physical Fitness Qualification Test
- § 3006. Standards for Certification for Each Category of Peace Officer
- § 3007. Minimum Standards for Certification of Basic Training Institutions
- § 3008. Minimum Standards for Employing Agencies
- § 3009. Inactive Status
- § 3010. Procedures and Sanctions
- § 3011. Reciprocity
- § 3012. Fees
- § 3013. Timeframe for Compliance
- § 3014. Subject to Revision

§ 3001. Peace Officer Training and Standards Commission.

- (a) **Mission.** The Peace Officer Standards and Training (P.O.S.T.) Commission is a territorial level organization whose mission is to establish and set minimum standards for the training, 17 G.C.A. § 51102(g)(4); hiring, § 51102(g),(h)(3); ethical conduct, *id.*; and retention, *id.*, of Peace Officers for the Territory of Guam through testing and certification.
- (b) **Terms of Office.** The officers of the Commission shall be a Chairperson and a Vice-Chairperson. The initial term of office for both the Chairperson and the Vice-Chairperson shall be two (2) years, after which term nominations for those offices will be sought among the members of the Commission. The members will then conduct an election to determine the Chair and Vice-Chair. An election will be held each subsequent two-year period. The Chair and Vice-Chair Positions will be held to one term only. However, an officer may seek re-election for office in the subsequent election, two years hence. Should an elected Chair or Vice-Chair be unable to complete the term in office for any reason, a replacement will be sought in the same manner as described above for the remainder of the term. That member will serve the remainder of the term.

- (c) **Meetings.** The Commission shall meet, at a minimum, on a quarterly basis.
- (d) **Executive Director.** The day-to-day operations of the Commission shall be administered by an Executive Director. The Executive Director shall have the qualifications as determined by the Commission and aligned in compensation and other respects as closely as possible with a position description the Director of Administration deems appropriate under the Government of Guam employment system. The Executive Director has the authority to fully implement the P.O.S.T. Commission statutory requirements.

### § 3002. Authority and Responsibilities of P.O.S.T. Commission.

The constitution, powers, and operation of the Commission is established by and under the authority of Title 17, Chapter 51, Guam Code Annotated, entitled “Peace Officer Standards and Training Commission.”

- (a) **Training Standards for Peace Officers.** In consultation with its member agencies, the Commission has the authority and responsibility to classify peace officer positions as defined by 17 G.C.A. § 51101(b), § 51102(g)(2), and establish minimum standards for the training and certification for each classification of peace officer. § 51102(g)(4), (1).
- (b) **Physical Fitness.** The P.O.S.T. Commission and its Executive Director shall be responsible for collaborating with all appropriate agencies to ensure the administration of the Physical Fitness Qualification Test (PFQT). The P.O.S.T. Commission shall develop forms and methods that all member agencies shall use and follow in processing and testing. The forms and methods shall be done in accordance with the compliance determination method and may be in paper or electronic form, through whatever system is so devised to record and serve as a report of a specified peace officer’s individual information as it pertains to this policy. These forms will include, at a minimum, the following: 1) Guam P.O.S.T. Commission Fitness Screening Questionnaire; 2) Guam P.O.S.T. Commission Fitness Charts and Scoring Sheets.
- (c) **Standards for Training Institutions or Training Programs.** The Commission has authority and responsibility to establish and set minimum educational and training standards for general and specialized training programs for peace officers, including curricula, instructors, and facilities. § 51102(e), (g)(5); § 51103(b)(1).
- (d) **Decertification.** The Commission has the authority and responsibility to deny, suspend, or revoke the certification of peace officers, for: (1) failure to comply with Chapter 51, Title 17, G.C.A.; (2) for the failure to achieve training requirements; (3) failure in carrying out their duties and responsibilities; (4) inability to maintain their psychological, moral and physical fitness; or (5) egregious misconduct. § 51102(h)(4).

- (e) **Research.** The Commission has the authority and responsibility to conduct research and encourage research by public agencies that is designed to improve law enforcement services, and programs and the methods by which the Commission performs its duties and responsibilities. § 51106(a)(5).
- (f) **Inspections.** The Commission has the authority and responsibility to conduct inspections of peace officer training programs to ensure that established standards are maintained. § 51102(h)(1).

### § 3003. Peace Officer Categories.

Peace Officers are those defined by Section 51101(b) of Title 17, G.C.A. By statute all peace officers may detain upon reasonable suspicion, 9 G.C.A. § 30.10; arrest under warrant, 8 G.C.A. §§ 15.70(b), 20.15(a); arrest without warrant under defined circumstances, *id.*; use reasonable force to effect an arrest or protect themselves or others, including lethal force, § 20.45; execute non-consensual warrantless searches under defined circumstances, § 20.50; release arrestees upon issuance of Notices to Appear, § 20.60; and other powers. For purposes of determining the qualifications required for certification, there shall be the following categories. § 51102(g)(2).

- (a) **Category 1.** Category 1 peace officers are peace officers who are employees of the Government of Guam and civilian volunteer reserves as authorized by law. They have taken an oath to uphold the law and they openly or by concealment carry firearms while on duty. They may use non-lethal force to restrain an arrestee and lethal force if necessary to protect themselves or others. Their job descriptions require they actively engage in the prevention and detection of crime and offenses, the maintenance of custody of pre-trial detainees and convicted prisoners, the conduct of criminal investigations, the maintenance of safety and order at the courts of Guam, and the supervision of probationers and parolees. Every sworn personnel employed in the following agencies, from entry level to highest rank, including positions such as Civilian Volunteer Reserve, Detention Officer, Police Officer, Sergeant, Lieutenant, Captain, Major, Colonel, and its agency head except as denoted by asterisk (\*), shall be held by Category 1 peace officers:
  - 1) Guam Police Department
  - 2) Department of Corrections
  - 3) Customs and Quarantine Agency
  - 4) Department of Agriculture Conservation Officer
  - 5) Department of Youth Affairs\*
  - 6) Park Patrol Officers, including the Chief Park Patrol Officer, Department of Recreation\*
  - 7) Port Authority Police, including the Chief Port Authority Police Officer, Port Authority of Guam\*

- 8) Airport Police, Guam International Airport Authority\*
- 9) Marshals and Probation Officers of Guam Judiciary
- 10) Designated Attorney General Investigators, Office of the Attorney General\*
- 11) Arson Investigators, Guam Fire Department\*

(b) **Category 2.** Category 2 peace officers are employees of the Government of Guam, whose job description is of a specialized nature, including the execution of administrative search warrants and investigations of a specialized nature. The following positions shall be held by Category 2 peace officers:

- 1) The Attorney General and his/her designated Assistant Attorney General
- 2) Special Deputy Marshal, Guam Judiciary
- 3) All Fire Fighter Personnel engaged in the enforcement of the Fire Prevention Code and those GFD employees whom the Fire Chief specifically designates.

(c) **Category 3.** Category 3 peace officers are peace officers who have authority to enforce governmental regulations or laws as specified in their job description and within the scope of the agency mission. The following positions shall be held by Category 3 peace officers:

- 1) Rehabilitation personnel of the Department of Corrections as are designated by the Director of Corrections
- 2) Community Assisted Policing Effort Volunteer, Guam Police Department

#### § 3004. Pre-Employment Requirements.

Applicants that request the Commission to review their education and training transcripts and/or certificates to determine whether they meet an equivalency to Commission standards must also provide the following prior to being hired or as deemed appropriate:

- (a) **Clearances.** All applicants for peace officer certification must provide police, court, and traffic court clearances.
- (b) **Driver's License.** All applicants must possess a valid Guam Motor Vehicle Operators license with the necessary applicable endorsements (i.e. Motorcycle, chauffeur, etc.).
- (c) **Physical and Psychological Fitness.** All applicants for Category 1 and 2 positions must provide medical certification that they can pass the Physical Fitness Qualification Test (PFQT), a uniform minimum physical fitness standard, which is hereinafter established by the Commission, and a certificate as to the absence of mental or emotional conditions that would adversely affect performance.

- (d) **Firearms Identification Card.** All applicants must be eligible to possess and maintain a valid Guam firearms identification card if it is required by their job description.
- (e) **Drug Testing.** All applicants must pass a drug test prior to being hired and throughout their tenure as peace officers.
- (f) **Reading and Writing Proficiency.** All applicants must provide proof of satisfactorily passing an exam or course evidencing proficiency in reading and writing in English administered by an institution recognized or sanctioned by the P.O.S.T. Commission.

#### **§ 3005. Establishment of Physical Fitness Qualification Test.**

There is hereby established a policy that Category 1 and 2 peace officers shall meet a uniform minimum physical fitness standard in order to obtain and maintain their certificates from the P.O.S.T. Commission. The standard shall be denominated the Physical Fitness Qualification Test (PFQT) and except for exceptions hereafter noted, shall be equivalent to the U.S. Air Force fitness test, as currently embodied in Air Force Instruction 36-2905, dated 21 October 2013, or as amended.

- (a) The PFQT policy shall be phased into implementation over a three-year period from the effective date of this regulation. There shall be a mandatory test at the beginning of the second year and at the end of the third year. All milestones will be calculated from the effective date of this regulation. Nothing herein shall be construed to restrict or impede agencies from testing peace officers during the initial three-year period in addition to the mandatory test at the beginning of the second year and at the end of the third year
- (b) No peace officers may have their certification revoked or placed on probation or other adverse action on the basis of their physical fitness until the end of the third year. At the end of the third year the PFQT will be administered and the results will be used by the Executive Director to determine whether a peace officer's certification should be maintained, denied, suspended, or revoked.
- (c) Each individual peace officer is solely responsible for compliance with this policy. Nothing herein shall be construed to exempt each individual peace officer or place responsibility on any other person or entity.
- (d) Pursuant to 17 G.C.A. § 5114(b)(7), it shall be incumbent upon the individual peace officer or recruit/trainee to receive a health screening from a licensed health professional prior to undergoing their fitness assessment. Moreover, if a peace officer experiences a change in his or her health, it is the sole responsibility of the peace officer to obtain an updated health screening.

- (e) Peace officers must retest within 90 days following an Unsatisfactory PFQT. Agencies may not mandate peace officers to retest any sooner than the end of the 90-day reconditioning period; however, a peace officer may volunteer to do so. Retesting in the first 42 days after an Unsatisfactory PFQT requires agency head approval since recognized medical guidelines recommend 42 days as the minimum timeframe to recondition from Unsatisfactory to Satisfactory status in a manner that reduces risk of injury. It is the peace officer's responsibility to ensure he/she retests before the 90-day reconditioning period expires (non-currency begins on the 91st day).
- 1) First Unsatisfactory – A written warning is issued. The Peace Officer must retest within 90 days.
  - 2) Second Unsatisfactory – A second written warning is issued. A peace officer must retest within 90 days.
  - 3) Third Unsatisfactory – A third written warning is issued. A peace officer must retest within 90 days.
  - 4) Fourth Unsatisfactory – A peace officer's certification shall be temporarily suspended until a determination is made by the P.O.S.T. Commission. The peace officer shall be assigned to administrative duties. Agency heads shall make recommendation that the P.O.S.T Commission revoke the peace officer's certification upon review. The officer shall not be allowed to carry a firearm. Hazardous and increment pay may be denied. Employer shall take administrative action in accordance with Department of Administration's rules and regulations or applicable autonomous agency personnel rules and the Fair Labor Standards Act.
- (f) **Failure.** A peace officer is deemed to have failed to comply with this policy when that officer's performance in a PFQT test is below the standard as established by the standard form and as defined and/or referenced herein after the officer has been previously tested, given the requisite conditioning period, retested, and is still unable to meet the minimum standard. When a peace officer receives four Unsatisfactory PFQT results within a 24-month period and a Guam licensed health care provider has ruled out medical conditions precluding the peace officer from achieving a passing score, the P.O.S.T Commission shall deny, suspend, or revoke the individual's certification. All PFQT test results shall be provided to the Executive Director within fifteen calendar days after the completion of the PFQT.
- (g) Agency heads shall initiate or recommend administrative action only after the peace officer has: received four Unsatisfactory PFQT scores in a 24-month period; failed to demonstrate significant improvement (as determined by the agency head) despite the reconditioning period; and has had his/her medical records reviewed by a Guam licensed health care provider to rule out medical conditions precluding the officer from achieving a passing score.
- (h) A peace officer who fails to meet the PFQT fitness standards after full mandatory implementation shall be eligible for intra-departmental or inter-departmental

transfer pursuant to the Department of Administration Rule 9.100 or applicable Government of Guam personnel rules.

- (i) Peace Officers shall only be allowed a waiver of their fitness test if deemed appropriate by a person licensed to practice medicine; they are considered disabled under the Americans with Disabilities Act and Fair Labor Standards Act; or court case decisions. Department of Administration rules and regulations or applicable autonomous agency personnel rules shall be followed to determine a peace officer's fitness for duty, position transfers, suspension, or termination.

**§ 3006. Standards for Certification for Each Category of Peace Officer.**

Peace Officer Standards and Training Commission certification is a standards-based requirement of all personnel as envisioned by the author of the original legislation and adopted by the Legislature. Consequently, every position under the jurisdiction of the Peace Officer Standards and Training Commission must obtain and maintain Peace Officer Standards and Training certification as defined in these Administrative Rules and Regulations as a condition of employment or as a condition of continued service in any peace officer position. Any person who has been serving on a permanent basis as a peace officer on Guam prior to the promulgation hereof and who is currently employed as a peace officer, or was previously employed as a peace officer for at least ten (10) years prior to September 7, 2007, may be certified as a peace officer by the Executive Director without having complied with § 51104(b) and (c).

In addition to the requirements stipulated in §51104 and possessing minimum qualifications for all categories of peace officers, each category listed below shall possess the following qualifications:

- (a) **Category 1 Peace Officers.** All persons certified as Category 1 peace officers shall possess, at a minimum, a criminal justice academy certificate from an accredited college or university or P.O.S.T. Commission certified training program that, at a minimum, includes the following skills: Report Writing, Criminal Justice Overview, First Responder, Officer Survival and Use of Force, Firearms and Safety, First Aid, Cultural Awareness and Sensitivity, Dealing with Physically Challenged Individuals, Juvenile Justice and Delinquency Prevention Act, Active Shooter, Guam Criminal Procedure, and Guam Criminal Law. All persons certified as Category 1 peace officers shall possess, at a minimum the following:
  - 1) Certificate of In-Service Training approved and certified by the P.O.S.T. Commission
  - 2) Completion of any other required training directed by the P.O.S.T. Commission
  - 3) A valid Guam Firearms Identification Card (if applicable to job description)
  - 4) Completion of a polygraph test (if applicable to job description)
  - 5) Completion of a personal background investigation to determine suitability for employment

- (b) **Category 2 Peace Officers.** All persons certified as Category 2 peace officers shall, at minimum, demonstrate satisfactory completion of the following:
- 1) Certificate of In-Service Training approved and certified by the P.O.S.T. Commission
  - 2) Completion of any other required training directed by the P.O.S.T. Commission
  - 3) A valid Guam Firearms Identification Card (if applicable to job description)
  - 4) Completion of a polygraph test (if applicable to job description)
  - 5) Completion of a personal background investigation to determine suitability for employment.
- (c) **Category 3 Peace Officers.** All persons hired or certified as Category 3 peace officers shall, at a minimum, demonstrate satisfactory completion of the following:
- 1) Certificate of In-Service Training approved and certified by the P.O.S.T. Commission.
  - 2) Completion of any other required training directed by the P.O.S.T. Commission
  - 3) A valid Guam Firearms Identification Card (if applicable to job description)

**§ 3007. Minimum Standards for Certification of Basic Training Institutions**

- (a) **Training institutions.** Training institutions are any P.O.S.T. accredited schools, academies, centers, or any other places of learning whatsoever, which offer or conduct a law enforcement course, a corrections training course, or other required training courses.
- (b) **Admission Requirements.** Training institutions shall require the medical report of a duly licensed physician upon a form supplied by the Commission, which certifies that any applicant for the position of uniformed peace officer can, in the physician's professional opinion, safely perform the course work required.
- (c) **Transcripts.** Applicants shall present, and training institutions must require, certified transcripts of all prior secondary and post-secondary education and training as a pre-condition to admission into a basic training program.
- (d) **Facilities.** Training facilities, such as driver training, firearms training, and other practical exercises, must be commensurate to the type of activity being conducted.
- (e) **Instructors.** The hiring and employment of instructors by the institution shall be P.O.S.T. certified.



- (f) **Counseling.** Training staff and/or counselors shall be available to discuss training or personal matters with students on a one-to-one or group basis.
- (g) **Orientation.** Each training institution shall set aside a block of time at the beginning of the course for oral orientation and explanation of the institution's relevant rules and regulations, and their matriculation requirements.
- (h) **Discipline.** The basic training institution shall develop and implement rules and regulations for charging a student with a rules violation, the penalty for such violations, and an appeal process.
- (i) **Training Records.** Every training institution shall create training records for each student and develop and implement a procedure providing validated transcripts for such training. All training records shall be considered personal identifiable information.
- (j) **Testing.** The method of developing test questions shall be explained to the student.
- (k) **Grades.** Grades shall be pass or fail. There shall be a policy regarding re-testing, appeal of test results, and repetition of test areas if a failure is substantial or a result of excessive absences from class.
- (l) **Attendance.** The training institution shall have a policy of mandatory attendance and maximum percentage of excused absences.
- (m) **Rules of Safety.** The safety rules and regulations shall be provided to each trainee, along with the rules of conduct, which should be discussed in detail during student orientation. Trainees should be made to acknowledge receipt and understanding of the safety rules and the rules of conduct in writing. Such written acknowledgement shall be filed and made a part of the trainee's permanent record. High risk and high liability curriculum should have the safety rules posted in a conspicuous manner as a clear reminder to the students of the hazards and the potential risks involved. Instructors should periodically refresh their knowledge of the safety rules and rules of conduct.
- (n) **First Aid.** First aid and emergency plans should be included in instructor and student orientation materials. If courses include high-risk activities, emergency medical plans should be discussed with the students prior to the commencement of the activity.
- (o) **Graduation.** Diplomas or certificates of completion of basic courses shall be awarded. Such documents shall clearly and legibly identify the name of the recipient, the statutory mandate for the course (if any), the precise name of the course, dates of attendance, and the name, signature, and title of the institution executive certifying graduation or completion.

- (p) **Failure.** Students who fail a training course should be evaluated and a determination shall be made for continued training and/or employment by the hiring agency.

**§ 3008. Minimum Standards for Employing Agencies**

- (a) **Proof of Minimum Qualification upon Appointment.** Within fifteen (15) days of the provisional appointment, every agency member shall provide on a form provided by the Commission the names of applicants and other identifying information respecting persons that it has appointed to peace officer positions, which shall include certification and supporting documentation that it has complied with the requirements of Section 51104(b).
- (b) **Physical Fitness Testing.** Each agency employing Category 1 and 2 peace officers shall be responsible for the administration of the PFQT. The administration of the PFQT may be done in concert with the Department of Administration, or a designated entity whether or not under contract for such purpose, in consultation with the employing agency.
  - 1) The test proctor and/or assistants shall notify the tested peace officer of the results of each component immediately upon its completion and of the overall score when the test is complete. The location, time and date of such notification must be also noted on the form. The PFQT Fitness and Wellness Coordinator shall provide a copy to the officer at the earliest opportunity but no later than close of business the next immediately following regular work day. Notice of Failure duly provided to an officer shall serve as the initial stage of corrective action planning by the coordinator and, in consultation with the officer's immediate superior, should guide the officer in a realistic plan to come into compliance.
  - 3) Test proctors must adhere to the medical guidance indicated on the individual's health assessment when conducting the PFQT.
  - 4) Testing shall be done in accordance with applicable laws and Government of Guam rules and regulations.
  - 5) Testing shall be scheduled in such a manner as to avoid negatively impacting agency operations.
- (c) **PFQT Fitness and Wellness Coordinator.** All agencies employing Category 1 and 2 peace officers shall assign, within 30 days from the effective date of this policy, a primary and an alternate PFQT Fitness and Wellness Coordinator. The head of the Human Resource Division, Personnel Division, or similarly assigned personnel within the agency, may be assigned such duty as a collateral function. PFQT Fitness and Wellness Coordinators are, from 60 days after being designated by competent authority, responsible for:
  - 1) Educating peace officers about the PFQT program and the physical fitness standards that they must meet.

- 2) Ensuring original test forms are submitted to the P.O.S.T. Commission and copies maintained by the agency.
  - 3) Development and maintenance of a health and wellness program that includes fitness assessment, goal setting, health and fitness education, and support;
  - 4) Planning program organization, training, education and execution;
  - 5) Corresponding with and encouraging peace officers to engage in activities and habits that will lead to satisfactorily performing at the minimum acceptable standard as contained in the compliance determination method;
  - 6) Establishing, managing and protecting appropriate records and ensuring their confidentiality;
  - 7) Collating and ensuring all program-relevant historical and statistical data is readily available to the P.O.S.T. Commission so that it may assess the program effectiveness and employee compliance;
  - 8) Producing factually accurate records and reports of peace officer performance, signed under penalty of perjury by the individual who obtained and submitted such PFQT record, as directed by their supervisor, agency head, and the P.O.S.T Commission and/or its Director; and
  - 9) Collecting all original test forms from proctors of tests.
- (d) **Mental and Moral Condition.** The employing agency's appointing authority can officially request a special medical examination conducted via coordination with DOA pursuant to DOA Rule 9.002.C or the employing agency's rules.
- (e) **Advanced In-Service Training.** Advanced in-service training requirements shall be determined by the individual agencies, and lesson plans, syllabi or curriculum shall be submitted to the Commission for review and certification.
- (f) **Adverse Action.** Within fifteen (15) days of final notice of adverse action, all agencies employing peace officers shall report to the P.O.S.T. Commission substantiated peace officer misconduct that may affect certification.
- (g) **Reporting Separation from Service.** Within fifteen (15) days of separation, agencies employing peace officers shall notify the Commission whenever an officer leaves employment, whether through termination, resignation, retirement, or death. (§ 51104(a)). In cases where officer misconduct led to the separation, a written report detailing the facts and circumstances shall be submitted to the Commission for consideration of sanction or censure.

### § 3009. Inactive Status.

The status of a peace officer's certification is active during periods of performance as a peace officer with a law enforcement agency.

- (a) **Lapse of Certified Status.** The certified status of a peace officer lapses after three consecutive years on inactive status.
- (b) **Reinstatement from Inactive Status.** A peace officer whose certified status is inactive and has not lapsed may have certification reinstated upon application to the P.O.S.T. Commission if the requirements are met for the new appointment.
- (c) **Temporary Certification.** All peace officers who have left the service of a law enforcement agency while in good standing may upon application obtain temporary certification while completing a refresher course specified by the Commission.

**§ 3010. Procedures and Sanctions.**

- (a) Persons and institutions who seek certification shall do so upon a form approved by the P.O.S.T. Commission.
- (b) The Commission may conduct interviews of candidates for certification to clarify or verify peace officer qualifications.
- (c) Sanctions for violation of rules or failure to adhere to standards shall be denial, suspension, or revocation of certification.
- (d) In denying, suspending, or revoking certifications of peace officers and training institutions, the P.O.S.T. Commission will follow the requirements of the Administrative Adjudication Law, Title 5 G.C.A., Chapter 9, Article 2.
- (e) The sanction that may be imposed will depend upon the type and severity of a violation of mandated standards, the facts and circumstances of the case, and the prior record of the officer or institution concerned.

**§ 3011. Reciprocity.**

- (a) Applicants may obtain certification as a peace officer if (1) they demonstrate graduation from a training institution of another jurisdiction that has a course of instruction equivalent to the course of instruction required by Section 3006, and the jurisdiction provides reciprocity, and (2) they complete a P.O.S.T. certified course of training in Guam law.
- (b) Law enforcement officers of the federal, state, and municipal governments, and other U.S. territories, with more than five years of law enforcement experience may obtain certification as peace officers if (1) their jurisdictions offer reciprocity on an equal basis, and (2) they complete a P.O.S.T. certified course of training in Guam law.

**§ 3012. Fees.**

There shall be the following fees for the services indicated:

- (a) Application for Issuance of Peace Officer Certificate: Fees for service will be a minimum \$50.00 per person for full evaluation of academic transcripts and training records. These fees shall be submitted into the P.O.S.T. Fund in accordance with § 51106.

**§ 3013. Timeframe for Compliance.**

Departments and agencies will come into full compliance with the rules and regulations specified by the P.O.S.T. Commission within three years of their effective date of approved P.O.S.T. Rules and Regulations. § 51102 (g)(7).

**§ 3014. Subject to Revision.**

These P.O.S.T. Rules and Regulations are subject to change as determined by the P.O.S.T. Commission and consistent with Title 5 G.C.A., Chapter 9, Article 3.

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2014 (SECOND) Regular Session

**Bill No. 418-32 (COR)**

\*As Substituted by the Committee on  
General Government Operations and  
Cultural Affairs

Introduced by:

B. J.F. Cruz

**AN ACT TO *ADOPT* THE RULES AND REGULATIONS OF  
THE PEACE OFFICER STANDARDS AND TRAINING  
COMMISSION CONCERNING CERTIFICATION OF PEACE  
OFFICERS AND STANDARDS FOR EMPLOYING AGENCIES  
AND TRAINING INSTITUTIONS, TO BE CODIFIED UNDER A  
NEW CHAPTER 3 OF TITLE 27 - GUAM ADMINISTRATIVE  
RULES AND REGULATIONS.**

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

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the Rules and Regulations, GUAM P.O.S.T. (PEACE OFFICER  
4 STANDARDS AND TRAINING) COMMISSION ADMINISTRATIVE RULES,  
5 were duly promulgated by the Peace Officer Standards and Training Commission,  
6 both pursuant to § 51102(h)(2) of Chapter 51, Title 17, Guam Code Annotated  
7 (Peace Officer Standards and Training Commission), and pursuant to Article 3 of  
8 Chapter 9, Title 5, Guam Code Annotated (Rule-Making Procedures).

9       *I Liheslaturan Guåhan* finds that there are a number of crimes that impact  
10 the safety of our island community and there should be uniform minimum  
11 standards for peace officers on Guam with respect to education, training, and  
12 physical fitness.

1            *I Liheslaturan Guåhan* further finds that having this information readily  
2 available in a central database system and at the Guam Community College (GCC)  
3 ensures that all peace officers have access to the standards in order to readily  
4 prepare for the Physical Fitness Qualification Test and all other required standards  
5 of performance to include competencies required to appropriately interact with  
6 people with disabilities and people with mental health challenges. Additionally,  
7 this allows for public participation and provides them with a sense of security that  
8 all peace officers abide by a minimum standard.

9            It is, therefore, the *intent* of *I Liheslaturan Guåhan* to adopt the Rules and  
10 Regulations aforesaid, appended to this Act as “Exhibit A, as Amended”.

11            **Section 2. Adoption of Rules.** The Rules and Regulations, entitled GUAM  
12 P.O.S.T. (PEACE OFFICER STANDARDS AND TRAINING) COMMISSION  
13 ADMINISTRATIVE RULES, and attached hereto as “Exhibit A, as Amended” are  
14 hereby adopted by *I Mina’Trentai Dos Na Liheslaturan Guåhan* and *shall* be  
15 codified under a new Chapter 3 of Title 27, Guam Administrative Rules and  
16 Regulations.

17            **Section 3. Amendment of Rules.** The Peace Officer Standards and Training  
18 Commission *shall*, pursuant to Article 3 of Chapter 9, Title 5, Guam Code  
19 Annotated, review and amend, as may be necessary, the Rules and Regulations  
20 adopted pursuant to Section 2 of this Act.

21            **Section 4. Severability.** If any provision of this Act or its application to any  
22 person or circumstance is found to be invalid or contrary to law, such invalidity  
23 *shall not* affect other provisions or applications of this Act which can be given  
24 effect without the invalid provisions or application, and to this end the provisions of  
25 this Act are severable.

26            **Section 5. Effective Date.** This Act *shall* become immediately effective  
27 upon enactment.

**CHAPTER 3**  
**GUAM P.O.S.T. (PEACE OFFICER STANDARDS AND TRAINING) COMMISSION**  
**ADMINISTRATIVE RULES**

- § 3001. **Peace Officer Training and Standards Commission**
- § 3002. **Authority and Responsibilities of P.O.S.T. Commission**
- § 3003. **Peace Officer Categories**
- § 3004. **Pre-Employment Requirements**
- § 3005. **Establishment of Physical Fitness Qualification Test**
- § 3006. **Standards for Certification for Each Category of Peace Officer**
- § 3007. **Minimum Standards for Certification of Basic Training Institutions**
- § 3008. **Minimum Standards for Employing Agencies**
- § 3009. **Inactive Status**
- § 3010. **Procedures and Sanctions**
- § 3011. **Reciprocity**
- § 3012. **Fees**
- § 3013. **Timeframe for Compliance**
- § 3014. **Subject to Revision**

**§ 3001. Peace Officer Training and Standards Commission.**

- (a) **Mission.** The Peace Officer Standards and Training (P.O.S.T.) Commission is a territorial level organization whose mission is to establish and set minimum standards for the training, 17 G.C.A. § 51102(g)(4); hiring, § 51102(g), (h)(3); ethical conduct, *id.*; and retention, *id.*, of Peace Officers for the Territory of Guam through testing and certification.
- (b) **Terms of Office.** The officers of the Commission shall be a Chairperson and a Vice-Chairperson. The initial term of office for both the Chairperson and the Vice-Chairperson shall be two (2) years, after which term nominations for those offices will be sought among the members of the Commission. The members will then conduct an election to determine the Chair and Vice-Chair. An election will be held each subsequent two-year period. The Chair and Vice-Chair Positions will be held to one term only. However, an officer may seek re-election for office in the subsequent election, two years hence. Should an elected Chair or Vice-Chair be unable to complete the term in office for any reason, a replacement will be sought in the same manner as described above for the remainder of the term. That member will serve the remainder of the term.



- (c) **Meetings.** The Commission shall meet, at a minimum, on a quarterly basis.
- (d) **Executive Director.** The day-to-day operations of the Commission shall be administered by an Executive Director. The Executive Director shall have the qualifications as determined by the Commission and aligned in compensation and other respects as closely as possible with a position description the Director of Administration deems appropriate under the Government of Guam employment system. The Executive Director has the authority to fully implement the P.O.S.T. Commission statutory requirements.

### § 3002. Authority and Responsibilities of P.O.S.T. Commission.

The constitution, powers, and operation of the Commission is established by and under the authority of Title 17, Chapter 51, Guam Code Annotated, entitled “Peace Officer Standards and Training Commission.”

- (a) **Training Standards for Peace Officers.** In consultation with its member agencies, the Commission has the authority and responsibility to classify peace officer positions as defined by 17 G.C.A. § 51101(b), § 51102(g)(2), and establish minimum standards for the training and certification for each classification of peace officer. § 51102(g)(4), (1).
- (b) **Physical Fitness.** The P.O.S.T. Commission and its Executive Director shall be responsible for collaborating with all appropriate agencies to ensure the administration of the Physical Fitness Qualification Test (PFQT). The P.O.S.T. Commission shall develop forms and methods that all member agencies shall use and follow in processing and testing. The forms and methods shall be done in accordance with the compliance determination method and may be in paper or electronic form, through whatever system is so devised to record and serve as a report of a specified peace officer’s individual information as it pertains to this policy. These forms will include, at a minimum, the following: 1) Guam P.O.S.T. Commission Fitness Screening Questionnaire; 2) Guam P.O.S.T. Commission Fitness Charts and Scoring Sheets.
- (c) **Standards for Training Institutions or Training Programs.** The Commission has authority and responsibility to establish and set minimum educational and training standards for general and specialized training programs for peace officers, including curricula, instructors, and facilities. § 51102(e), (g)(5); § 51103(b)(1).
- (d) **Decertification.** The Commission has the authority and responsibility to deny, suspend, or revoke the certification of peace officers, for: (1) failure to comply with Chapter 51, Title 17, G.C.A.; (2) for the failure to achieve training requirements; (3) failure in carrying out their duties and responsibilities; (4) inability to maintain their psychological, moral and physical fitness; or (5) egregious misconduct. § 51102(h)(4).

- (e) **Research.** The Commission has the authority and responsibility to conduct research and encourage research by public agencies that is designed to improve law enforcement services, and programs and the methods by which the Commission performs its duties and responsibilities. § 51106(a)(5).
- (f) **Inspections.** The Commission has the authority and responsibility to conduct inspections of peace officer training programs to ensure that established standards are maintained. § 51102(h)(1).

### § 3003. Peace Officer Categories.

Peace Officers are those defined by Section 51101(b) of Title 17, G.C.A. By statute all peace officers may detain upon reasonable suspicion, 9 G.C.A. § 30.10; arrest under warrant, 8 G.C.A. §§ 15.70(b), 20.15(a); arrest without warrant under defined circumstances, *id.*; use reasonable force to effect an arrest or protect themselves or others, including lethal force, § 20.45; execute non-consensual warrantless searches under defined circumstances, § 20.50; release arrestees upon issuance of Notices to Appear, § 20.60; and other powers. For purposes of determining the qualifications required for certification, there shall be the following categories. § 51102(g)(2).

- (a) **Category 1.** Category 1 peace officers are peace officers who are employees of the Government of Guam and civilian volunteer reserves as authorized by law. They have taken an oath to uphold the law and they openly or by concealment carry firearms while on duty. They may use non-lethal force to restrain an arrestee and lethal force if necessary to protect themselves or others. Their job descriptions require they actively engage in the prevention and detection of crime and offenses, the maintenance of custody of pre-trial detainees and convicted prisoners, the conduct of criminal investigations, the maintenance of safety and order at the courts of Guam, and the supervision of probationers and parolees. Every sworn personnel employed in the following agencies, from entry level to highest rank, including positions such as Civilian Volunteer Reserve, Detention Officer, Police Officer, Sergeant, Lieutenant, Captain, Major, Colonel, and its agency head except as denoted by asterisk (\*), shall be held by Category 1 peace officers:
  - 1) Guam Police Department
  - 2) Department of Corrections
  - 3) Customs and Quarantine Agency
  - 4) Department of Agriculture Conservation Officer
  - 5) Department of Youth Affairs\*
  - 6) Park Patrol Officers, including the Chief Park Patrol Officer, Department of Recreation\*
  - 7) Port Authority Police, including the Chief Port Authority Police Officer, Port Authority of Guam\*

- 8) Airport Police, Guam International Airport Authority\*
- 9) Marshals and Probation Officers of Guam Judiciary
- 10) Designated Attorney General Investigators, Office of the Attorney General\*
- 11) Arson Investigators, Guam Fire Department\*

(b) **Category 2.** Category 2 peace officers are employees of the Government of Guam, whose job description is of a specialized nature, including the execution of administrative search warrants and investigations of a specialized nature. The following positions shall be held by Category 2 peace officers:

- 1) The Attorney General and his/her designated Assistant Attorney General
- 2) Special Deputy Marshal, Guam Judiciary
- 3) All Fire Fighter Personnel engaged in the enforcement of the Fire Prevention Code and those GFD employees whom the Fire Chief specifically designates.

(c) **Category 3.** Category 3 peace officers are peace officers who have authority to enforce governmental regulations or laws as specified in their job description and within the scope of the agency mission. The following positions shall be held by Category 3 peace officers:

- 1) Rehabilitation personnel of the Department of Corrections as are designated by the Director of Corrections
- 2) Community Assisted Policing Effort Volunteer, Guam Police Department
- 3) Elected Mayors and Vice Mayors of Guam

#### **§ 3004. Pre-Employment Requirements.**

Applicants that request the Commission to review their education and training transcripts and/or certificates to determine whether they meet an equivalency to Commission standards must also provide the following prior to being hired or as deemed appropriate:

- (a) **Clearances.** All applicants for peace officer certification must provide police, court, and traffic court clearances.
- (b) **Driver's License.** All applicants must possess a valid Guam Motor Vehicle Operators license with the necessary applicable endorsements (i.e. Motorcycle, chauffeur, etc.).
- (c) **Physical and Psychological Fitness.** All applicants for Category 1 and 2 positions must provide medical certification that they can pass the Physical Fitness Qualification Test (PFQT), a uniform minimum physical fitness standard, which is

hereinafter established by the Commission, and a certificate as to the absence of mental or emotional conditions that would adversely affect performance as well as certification that they have completed training in working with people with disabilities and training in working with people with mental health challenges.

- (d) **Firearms Identification Card.** All applicants must be eligible to possess and maintain a valid Guam firearms identification card if it is required by their job description.
- (e) **Drug Testing.** All applicants must pass a drug test prior to being hired and throughout their tenure as peace officers.
- (f) **Reading and Writing Proficiency.** All applicants must provide proof of satisfactorily passing an exam or course evidencing proficiency in reading and writing in English administered by an institution recognized or sanctioned by the P.O.S.T. Commission.

#### **§ 3005. Establishment of Physical Fitness Qualification Test.**

There is hereby established a policy that Category 1 and 2 peace officers shall meet a uniform minimum physical fitness standard in order to obtain and maintain their certificates from the P.O.S.T. Commission. The standard shall be denominated the Physical Fitness Qualification Test (PFQT) and except for exceptions hereafter noted, shall be equivalent to the U.S. Air Force fitness test, as currently embodied in Air Force Instruction 36-2905, dated 21 October 2013, or as amended.

- (a) The PFQT policy shall be phased into implementation over a three-year period from the effective date of this regulation. There shall be a mandatory test at the beginning of the second year and at the end of the third year. All milestones will be calculated from the effective date of this regulation. Nothing herein shall be construed to restrict or impede agencies from testing peace officers during the initial three-year period in addition to the mandatory test at the beginning of the second year and at the end of the third year
- (b) No peace officers may have their certification revoked or placed on probation or other adverse action on the basis of their physical fitness until the end of the third year. At the end of the third year the PFQT will be administered and the results will be used by the Executive Director to determine whether a peace officer's certification should be maintained, denied, suspended, or revoked.
- (c) Each individual peace officer is solely responsible for compliance with this policy. Nothing herein shall be construed to exempt each individual peace officer or place responsibility on any other person or entity.
- (d) Pursuant to 17 G.C.A. § 5114(b)(7), it shall be incumbent upon the individual peace officer or recruit/trainee to receive a health screening from a licensed health

professional prior to undergoing their fitness assessment. Moreover, if a peace officer experiences a change in his or her health, it is the sole responsibility of the peace officer to obtain an updated health screening.

- (e) Peace officers must retest within 90 days following an Unsatisfactory PFQT. Agencies may not mandate peace officers to retest any sooner than the end of the 90-day reconditioning period; however, a peace officer may volunteer to do so. Retesting in the first 42 days after an Unsatisfactory PFQT requires agency head approval since recognized medical guidelines recommend 42 days as the minimum timeframe to recondition from Unsatisfactory to Satisfactory status in a manner that reduces risk of injury. It is the peace officer's responsibility to ensure he/she retests before the 90-day reconditioning period expires (non-currency begins on the 91st day).
  - 1) First Unsatisfactory – A written warning is issued. The Peace Officer must retest within 90 days.
  - 2) Second Unsatisfactory – A second written warning is issued. A peace officer must retest within 90 days.
  - 3) Third Unsatisfactory – A third written warning is issued. A peace officer must retest within 90 days.
  - 4) Fourth Unsatisfactory – A peace officer's certification shall be temporarily suspended until a determination is made by the P.O.S.T. Commission. The peace officer shall be assigned to administrative duties. Agency heads shall make recommendation that the P.O.S.T Commission revoke the peace officer's certification upon review. The officer shall not be allowed to carry a firearm. Hazardous and increment pay may be denied. Employer shall take administrative action in accordance with Department of Administration's rules and regulations or applicable autonomous agency personnel rules and the Fair Labor Standards Act.
  
- (f) **Failure.** A peace officer is deemed to have failed to comply with this policy when that officer's performance in a PFQT test is below the standard as established by the standard form and as defined and/or referenced herein after the officer has been previously tested, given the requisite conditioning period, retested, and is still unable to meet the minimum standard. When a peace officer receives four Unsatisfactory PFQT results within a 24-month period and a Guam licensed health care provider has ruled out medical conditions precluding the peace officer from achieving a passing score, the P.O.S.T Commission shall deny, suspend, or revoke the individual's certification. All PFQT test results shall be provided to the Executive Director within fifteen calendar days after the completion of the PFQT.
  
- (g) Agency heads shall initiate or recommend administrative action only after the peace officer has: received four Unsatisfactory PFQT scores in a 24-month period; failed to demonstrate significant improvement (as determined by the agency head) despite the reconditioning period; and has had his/her medical records reviewed by a Guam

licensed health care provider to rule out medical conditions precluding the officer from achieving a passing score.

- (h) A peace officer who fails to meet the PFQT fitness standards after full mandatory implementation shall be eligible for intra-departmental or inter-departmental transfer pursuant to the Department of Administration Rule 9.100 or applicable Government of Guam personnel rules.
- (i) Peace Officers shall only be allowed a waiver of their fitness test if deemed appropriate by a person licensed to practice medicine; they are considered disabled under the Americans with Disabilities Act and Fair Labor Standards Act; or court case decisions. Department of Administration rules and regulations or applicable autonomous agency personnel rules shall be followed to determine a peace officer's fitness for duty, position transfers, suspension, or termination.

### **§ 3006. Standards for Certification for Each Category of Peace Officer.**

Peace Officer Standards and Training Commission certification is a standards-based requirement of all personnel as envisioned by the author of the original legislation and adopted by the Legislature. Consequently, every position under the jurisdiction of the Peace Officer Standards and Training Commission must obtain and maintain Peace Officer Standards and Training certification as defined in these Administrative Rules and Regulations as a condition of employment or as a condition of continued service in any peace officer position. Any person who has been serving on a permanent basis as a peace officer on Guam prior to the promulgation hereof and who is currently employed as a peace officer, or was previously employed as a peace officer for at least ten (10) years prior to September 7, 2007, may be certified as a peace officer by the Executive Director without having complied with § 51104(b) and (c).

In addition to the requirements stipulated in §51104 and possessing minimum qualifications for all categories of peace officers, each category listed below shall possess the following qualifications:

- (a) **Category 1 Peace Officers.** All persons certified as Category 1 peace officers shall possess, at a minimum, a criminal justice academy certificate from an accredited college or university or P.O.S.T. Commission certified training program that, at a minimum, includes the following skills: Report Writing, Criminal Justice Overview, First Responder, Officer Survival and Use of Force, Firearms and Safety, First Aid, Cultural Awareness and Sensitivity, Dealing with Physically Challenged Individuals, Dealing with People with Disabilities, Dealing with People with Mental Health Challenges, Juvenile Justice Juvenile Justice and Delinquency Prevention Act, Active Shooter, Guam Criminal Procedure, and Guam Criminal Law. All persons certified as Category 1 peace officers shall possess, at a minimum the following:
  - 1) Certificate of In-Service Training approved and certified by the P.O.S.T. Commission

- 2) Completion of any other required training directed by the P.O.S.T. Commission
- 3) A valid Guam Firearms Identification Card (if applicable to job description)
- 4) Completion of a polygraph test (if applicable to job description)
- 5) Completion of a personal background investigation to determine suitability for employment

**(b) Category 2 Peace Officers.** All persons certified as Category 2 peace officers shall, at minimum, demonstrate satisfactory completion of the following:

- 1) Certificate of In-Service Training approved and certified by the P.O.S.T. Commission
- 2) Completion of any other required training directed by the P.O.S.T. Commission
- 3) A valid Guam Firearms Identification Card (if applicable to job description)
- 4) Completion of a polygraph test (if applicable to job description)
- 5) Completion of a personal background investigation to determine suitability for employment.

**(c) Category 3 Peace Officers.** All persons hired or certified as Category 3 peace officers shall, at a minimum, demonstrate satisfactory completion of the following:

- 1) Certificate of In-Service Training approved and certified by the P.O.S.T. Commission.
- 2) Completion of any other required training directed by the P.O.S.T. Commission
- 3) A valid Guam Firearms Identification Card (if applicable to job description)

### **§ 3007. Minimum Standards for Certification of Basic Training Institutions**

**(a) Training institutions.** Training institutions are any P.O.S.T. accredited schools, academies, centers, or any other places of learning whatsoever, which offer or conduct a law enforcement course, a corrections training course, or other required training courses.

**(b) Admission Requirements.** Training institutions shall require the medical report of a duly licensed physician upon a form supplied by the Commission, which certifies that any applicant for the position of uniformed peace officer can, in the physician's professional opinion, safely perform the course work required.

- (c) **Transcripts.** Applicants shall present, and training institutions must require, certified transcripts of all prior secondary and post-secondary education and training as a pre-condition to admission into a basic training program.
- (d) **Facilities.** Training facilities, such as driver training, firearms training, and other practical exercises, must be commensurate to the type of activity being conducted.
- (e) **Instructors.** The hiring and employment of instructors by the institution shall be P.O.S.T. certified.
- (f) **Counseling.** Training staff and/or counselors shall be available to discuss training or personal matters with students on a one-to-one or group basis.
- (g) **Orientation.** Each training institution shall set aside a block of time at the beginning of the course for oral orientation and explanation of the institution's relevant rules and regulations, and their matriculation requirements.
- (h) **Discipline.** The basic training institution shall develop and implement rules and regulations for charging a student with a rules violation, the penalty for such violations, and an appeal process.
- (i) **Training Records.** Every training institution shall create training records for each student and develop and implement a procedure providing validated transcripts for such training. All training records shall be considered personal identifiable information.
- (j) **Testing.** The method of developing test questions shall be explained to the student.
- (k) **Grades.** Grades shall be pass or fail. There shall be a policy regarding re-testing, appeal of test results, and repetition of test areas if a failure is substantial or a result of excessive absences from class.
- (l) **Attendance.** The training institution shall have a policy of mandatory attendance and maximum percentage of excused absences.
- (m) **Rules of Safety.** The safety rules and regulations shall be provided to each trainee, along with the rules of conduct, which should be discussed in detail during student orientation. Trainees should be made to acknowledge receipt and understanding of the safety rules and the rules of conduct in writing. Such written acknowledgement shall be filed and made a part of the trainee's permanent record. High risk and high liability curriculum should have the safety rules posted in a conspicuous manner as a clear reminder to the students of the hazards and the potential risks involved. Instructors should periodically refresh their knowledge of the safety rules and rules of conduct.



- (n) **First Aid.** First aid and emergency plans should be included in instructor and student orientation materials. If courses include high-risk activities, emergency medical plans should be discussed with the students prior to the commencement of the activity.
- (o) **Graduation.** Diplomas of certificates of completion of basic courses shall be awarded. Such documents shall clearly and legibly identify the name of the recipient, the statutory mandate for the course (if any), the precise name of the course, dates of attendance, and the name, signature, and title of the institution executive certifying graduation or completion.
- (p) **Failure.** Students who fail a training course should be evaluated and a determination shall be made for continued training and/or employment by the hiring agency.

### § 3008. Minimum Standards for Employing Agencies

- (a) **Proof of Minimum Qualification upon Appointment.** Within fifteen (15) days of the provisional appointment, every agency member shall provide on a form provided by the Commission the names of applicants and other identifying information respecting persons that it has appointed to peace officer positions, which shall include certification and supporting documentation that it has complied with the requirements of Section 51104(b).
- (b) **Physical Fitness Testing.** Each agency employing Category 1 and 2 peace officers shall be responsible for the administration of the PFQT. The administration of the PFQT may be done in concert with the Department of Administration, or a designated entity whether or not under contract for such purpose, in consultation with the employing agency.
  - 1) The test proctor and/or assistants shall notify the tested peace officer of the results of each component immediately upon its completion and of the overall score when the test is complete. The location, time and date of such notification must be also noted on the form. The PFQT Fitness and Wellness Coordinator shall provide a copy to the officer at the earliest opportunity but no later than close of business the next immediately following regular work day. Notice of Failure duly provided to an officer shall serve as the initial stage of corrective action planning by the coordinator and, in consultation with the officer's immediate superior, should guide the officer in a realistic plan to come into compliance.
  - 4) Test proctors must adhere to the medical guidance indicated on the individual's health assessment when conducting the PFQT.
  - 5) Testing shall be done in accordance with applicable laws and Government of Guam rules and regulations.

- 6) Testing shall be scheduled in such a manner as to avoid negatively impacting agency operations.
- (c) **PFQT Fitness and Wellness Coordinator.** All agencies employing Category 1 and 2 peace officers shall assign, within 30 days from the effective date of this policy, a primary and an alternate PFQT Fitness and Wellness Coordinator. The head of the Human Resource Division, Personnel Division, or similarly assigned personnel within the agency, may be assigned such duty as a collateral function. PFQT Fitness and Wellness Coordinators are, from 60 days after being designated by competent authority, responsible for:
- 1) Educating peace officers about the PFQT program and the physical fitness standards that they must meet.
  - 2) Ensuring original test forms are submitted to the P.O.S.T. Commission and copies maintained by the agency.
  - 3) Development and maintenance of a health and wellness program that includes fitness assessment, goal setting, health and fitness education, and support;
  - 4) Planning program organization, training, education and execution;
  - 5) Corresponding with and encouraging peace officers to engage in activities and habits that will lead to satisfactorily performing at the minimum acceptable standard as contained in the compliance determination method;
  - 6) Establishing, managing and protecting appropriate records and ensuring their confidentiality;
  - 7) Collating and ensuring all program-relevant historical and statistical data is readily available to the P.O.S.T. Commission so that it may assess the program effectiveness and employee compliance;
  - 8) Producing factually accurate records and reports of peace officer performance, signed under penalty of perjury by the individual who obtained and submitted such PFQT record, as directed by their supervisor, agency head, and the P.O.S.T Commission and/or its Director; and
  - 9) Collecting all original test forms from proctors of tests.
- (d) **Mental and Moral Condition.** The employing agency's appointing authority can officially request a special medical examination conducted via coordination with DOA pursuant to DOA Rule 9.002.C or the employing agency's rules.
- (e) **Advanced In-Service Training.** Advanced in-service training requirements shall be determined by the individual agencies, and lesson plans, syllabi or curriculum shall be submitted to the Commission for review and certification.
- (f) **Adverse Action.** Within fifteen (15) days of final notice of adverse action, all agencies employing peace officers shall report to the P.O.S.T. Commission substantiated peace officer misconduct that may affect certification.

- (g) **Reporting Separation from Service.** Within fifteen (15) days of separation, agencies employing peace officers shall notify the Commission whenever an officer leaves employment, whether through termination, resignation, retirement, or death. (§ 51104(a)). In cases where officer misconduct led to the separation, a written report detailing the facts and circumstances shall be submitted to the Commission for consideration of sanction or censure.

#### **§ 3009. Inactive Status.**

The status of a peace officer's certification is active during periods of performance as a peace officer with a law enforcement agency.

- (a) **Lapse of Certified Status.** The certified status of a peace officer lapses after three consecutive years on inactive status.
- (b) **Reinstatement from Inactive Status.** A peace officer whose certified status is inactive and has not lapsed may have certification reinstated upon application to the P.O.S.T. Commission if the requirements are met for the new appointment.
- (c) **Temporary Certification.** All peace officers who have left the service of a law enforcement agency while in good standing may upon application obtain temporary certification while completing a refresher course specified by the Commission.

#### **§ 3010. Procedures and Sanctions.**

- (a) Persons and institutions who seek certification shall do so upon a form approved by the P.O.S.T. Commission.
- (b) The Commission may conduct interviews of candidates for certification to clarify or verify peace officer qualifications.
- (c) Sanctions for violation of rules or failure to adhere to standards shall be denial, suspension, or revocation of certification.
- (d) In denying, suspending, or revoking certifications of peace officers and training institutions, the P.O.S.T. Commission will follow the requirements of the Administrative Adjudication Law, Title 5 G.C.A., Chapter 9, Article 2.
- (e) The sanction that may be imposed will depend upon the type and severity of a violation of mandated standards, the facts and circumstances of the case, and the prior record of the officer or institution concerned.

#### **§ 3011. Reciprocity.**

- (a) Applicants may obtain certification as a peace officer if (1) they demonstrate graduation from a training institution of another jurisdiction that has a course of instruction equivalent to the course of instruction required by Section 3006, and the jurisdiction provides reciprocity, and (2) they complete a P.O.S.T. certified course of training in Guam law.
- (b) Law enforcement officers of the federal, state, and municipal governments, and other U.S. territories, with more than five years of law enforcement experience may obtain certification as peace officers if (1) their jurisdictions offer reciprocity on an equal basis, and (2) they complete a P.O.S.T. certified course of training in Guam law.

**§ 3012. Fees.**

There shall be the following fees for the services indicated:

- (a) Application for Issuance of Peace Officer Certificate: Fees for service will be a minimum \$50.00 per person for full evaluation of academic transcripts and training records. These fees shall be submitted into the P.O.S.T. Fund in accordance with § 51106.

**§ 3013. Timeframe for Compliance.**

Departments and agencies will come into full compliance with the rules and regulations specified by the P.O.S.T. Commission within three years of their effective date of approved P.O.S.T. Rules and Regulations. § 51102 (g)(7).

**§ 3014. Subject to Revision.**

These P.O.S.T. Rules and Regulations are subject to change as determined by the P.O.S.T. Commission and consistent with Title 5 G.C.A., Chapter 9, Article 3.



**PUBLIC HEARING SIGN-IN SHEET**

Thursday, November 20, 2014 - 3:30PM

Guam Legislature Public Hearing Room • Hagåtña, Guam

Bill No. 418-32 (COR) - B.J.F. Cruz - "An act to adopt the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of peace officers and standards of employing agencies and training institutions, to be codified under a new Chapter 3 of Title 27 - Guam Administrative Rules and Regulations."

NAME	AGENCY OR ORGANIZATION	POSITION		TESTIMONY		PHONE NO.	EMAIL ADDRESS
		SUPPORT	OPPOSE	WRITTEN	ORAL		
Joshua Tenorio	Judiciary of Guam	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	475-3544	jenorio@guamcourts.gu
Barbara Perez		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Sophia Diaz		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Edward Torres		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
John Lizama		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
MATT SABLON	Do	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		747-1250
Pedro R. MARTINEZ	GIAN	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	646-0300	
Joey San Nicolas	GFD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	688-6553	
Rafael Y. Blas	OPR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	488-8994	
JOE SAN AGUSTIN	POC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	688-5717	
KRISTINA BURELLI	GPU	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	475-8508	
Dennis Santos	POST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	788-1537	
ROBERTO CARRASCO	POST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	482-6606	bobcarrasco@postmail.gu
Adonis Mandiola	POST/DVA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	735-5410	
Doris Aguero	Port Authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	477-5931	daaguero@portguam.com
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		



**PUBLIC HEARING SIGN-IN SHEET**

Thursday, November 20, 2014 - 3:30PM

Guam Legislature Public Hearing Room • Hagatña, Guam

**Bill No. 418-32 (COR) - B.J.F. Cruz - "An act to adopt the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of peace officers and standards of employing agencies and training institutions, to be codified under a new Chapter 3 of Title 27 - Guam Administrative Rules and Regulations."**

NAME	AGENCY OR ORGANIZATION	POSITION		TESTIMONY		PHONE NO.	EMAIL ADDRESS
		SUPPORT	OPPOSE	WRITTEN	ORAL		
PEPPO A. LEON	GUAM CUSTOMS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	475-6202	peppo.leon@customs.gu
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
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Eddie Baza Calvo  
Governor

Ray Tenorio  
Lt. Governor

## Department of Parks and Recreation

Depattamenton Plaset yan Dibuetsion

Government of Guam

490 Chalan Palasyo

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Director's Office: (671) 475-6296/7

Facsimile: (671) 477-0997

Parks Division: (671) 475-6288/9

Recreation Division: (671) 477-8279/8280

Guam Historic Resources Division: (671) 475-6295/6270



Raymond F.Y. Blas  
Director

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### TESTIMONY

The Department of Parks and Recreation would like to thank the P.O.S.T. commission for its dedication and relentless pursuit on putting together a set of administrative rules for all peace officers and the department that employ them. This administrative rules will not only ensure that all agencies are trained in the same manner and follow a standard set of rules, but will allow our law enforcement officers to achieve employment in other agencies that are also P.O.S.T. certified. Most notable in these rules is the standard for physical fitness. For so long, our officers were only required to pass entrance and pre-graduation physical fitness test. After graduation and with no set standards or requirements for any type of physical conditioning, peace officers often let themselves go and have become "out of shape". A peace officers job entails a great deal of both mental and physical stresses and with no standard forcing them to keep fit, it often leads to missed days at work, increase of workers compensation claims, and other mental and physical complications. By requiring standards in physical conditioning, we can lessen injuries, hospital visits, and workers compensation claims. Overall the standards you have set, will definitely have an effect on how the public perceives peace officers. and how peace officers feel about themselves.

*Raymond F.Y. Blas*



**PORT OF GUAM**  
ATURIDATI PUETTON GUAHAN  
**Jose D. Leon Guerrero Commercial Port**  
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Eddie Baza Calvo  
Governor of Guam  
Ray Tenorio  
Lieutenant Governor

November 20, 2014

Honorable Benjamin Cruz  
Chairman, Committee on General Government  
Operations and Cultural Affairs  
155 Hesler Street  
Hagatna, Guam 96910

RE: Bill No. 418-32: An act to adopt the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of peace officers and standards of employing agencies and training institutions, to be codified under a new Chapter 3 of Title 27 – Guam Administrative Rules and Regulations

Hafa Adai Senator Cruz:

The Port Authority of Guam provides testimony in support of Bill No. 418-32 which is a collective effort compiled by the Commission members. The bill regulates minimum standards for training and certification that enables a uniformed curriculum for peace officers. The rules and regulations also establish control measures and qualification requirements that must be complied with.

Additionally, this presents gainful opportunity for peace officers in the event of lateral transfer opportunities, in that the knowledge, abilities and skills in the P.O.S.T. education, training and physical fitness remains constant.

Thank you for allowing the Port Authority of Guam to present testimony.

Sincerely,

  
JOANNE M.S. BROWN  
General Manager





GOVERNMENT OF GUAM  
HAGATNA, GUAM 96932

November 24, 2014

The Honorable Benjamin J.F. Cruz, Vice Speaker; and  
Chairman, Committee on General Government Operations,  
and Cultural Affairs  
32<sup>nd</sup> Guam Legislature  
155 Hesler Place  
Hagatña, Guam 96910

**Vice Speaker Benjamin J.F. Cruz**

Date: 11-25-14 Time: 3:40

File No.: 872

Received By: [Signature]

Subject: **Written Testimony**  
RE: **Bill 418-32**

Dear Vice Speaker Cruz:

*Buenas yan Hafa Adai!* I hereby respectfully submit my written testimony relative to your proposed Bill No. 418-32.

As a member of the Guam Police Department, I am in support of the intent of this Bill; however, I would like to convey a few concerns that, in my opinion, are disparities towards this effort.

First of all, with the implementation of these Administrative Rules and Regulations, the primary objectives are standardizing education, training and physical requirements for all categories of peace officers. Unfortunately, that is where the standardization ends. As we know the ethical and professional conduct of all our law enforcement members is paramount, though in the instance of an alleged misconduct all member agencies have an internal mechanism to address those issues as does the Guam Police Department.

GPD, in particular, is subjected by statute as stipulated in Title 10 GCA, Ch.78, known as the Guam Community Police Review Commission (GCPRC), to another administrative investigative arm to probe alleged officer misconduct. Now therein lies the disparity that must be addressed, either by revisiting the intent of the GCPRC and broaden its authority to include all member agencies of the POST Commission and possibly renaming this body as Guam Community Peace Officers Review Commission. This in turn would create a standard of conduct all must adhere to and must be subjected to the same processes to determine and/or recommend the appropriate discipline for misconduct if so sustained.


Also, in the interest of standards or lack thereof, the Guam Police Departments is the only law enforcement agency with its uniformed positions codified in statute as stipulated in Title 10 GCA, Ch.77 Guam Police Department. As reflected in Title 5 GCA, Ch.3 Departments of the Government, all member agencies are identified however there is no language identifying each individual agency's uniformed positions minimum requirements.

The Honorable Benjamin J.F. Cruz, Vice Speaker  
32<sup>nd</sup> Guam Legislature  
Subject: Written Testimony Re: Bill 418-32  
November 24, 2014  
Page 2 of 2

Why does this exist? Do these aforementioned examples suggest that the Guam Police Department is subject to a more stringent process with regard to qualifications and internal investigations? If so, then possibly the efforts of the POST Commission are misleading because certainly these statutes speak for themselves. It would seemingly place GPD at an advanced level of law enforcement, thus putting to question the standards of POST.

Thank you for the opportunity to provide my comments. *Dangkulo na si Yu'os ma'ase!*

Sincerely,

  
CRISTOBAL N. CASTRO, JR.  
Captain  
Guam Police Department  
Contact No. 747-8579

CNC:scr



# CUSTOMS & QUARANTINE AGENCY, GUAM

Guam's First Line of Defense • Protecting Our Island, Our People, Our Resources

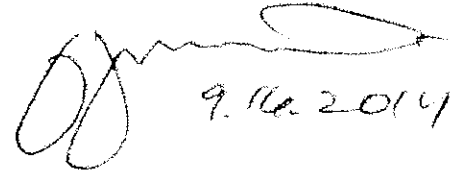
Director's Office

**COPY**

Director – Pedro A. Leon Guerrero, Jr.  
Chief of Customs – Raffaele M.J. Sgambelluri

Doc. Ref. No. CQA-DIR-229-14

September 16, 2014

  
9.16.2014

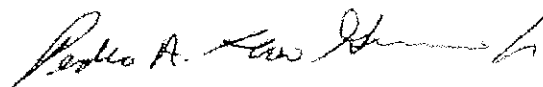
## Memorandum

To: Peace Officer Standards & Training Commission  
From: Director, Guam Customs and Quarantine Agency  
Subject: Letter of Support  
Ref: P.O.S.T. Commission Administrative Rules

Hafa Adai,

The Guam Customs & Quarantine Agency recognizes the evident disparity when it comes to the types of standards and training within the different law enforcement agencies in the Government of Guam. The agency also notes the time off taken by officers because of health related issues. The agency also recognizes that the P.O.S.T. Commission has come a long way to create standards and training for all law enforcement officers in this P.O.S.T. Commission Administrative Rules draft.

The Agency hereby supports the efforts of the P.O.S.T. Commission to develop administrative rules which will finally create a structured approach towards standardizing standards and training for the different law enforcement entities within the government of Guam. Our officers can only benefit from the application of these rules- ensuring only qualified peace officers are hired, and that they remain physically fit, ensuring a healthier and prolonged lifestyle and that they are fully capable of keeping our island community protected.



PEDRO A. LEON GUERRERO, JR.

Director

Guam Customs and Quarantine Agency

Cc: CQA Director's Office

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Mailing Address: 770 East Sunset Boulevard, Suite 240 Tiyon, Guam 96913

Executive Office: Suite 250, Guam Integrated Air Cargo Facility, Tiyon, Barrigada, Guam 96913

(671) 475-6202 • (671) 475-6227 Fax • [www.cqa.guam.gov](http://www.cqa.guam.gov)



## Mariana Regional Fusion Center

221B Chalan Palasyo • Agana Heights, Guam 96910

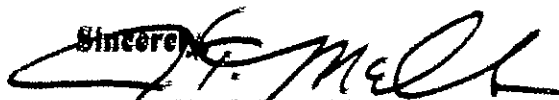
November 20, 2014

Honorable Tina Rose Muna-Barnes  
Legislative Secretary, Majority Whip  
155 Hester Place  
Hagatna, Guam 96910

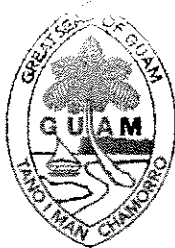
Buenas and Hafa Adai Senator Tina Muna-Barnes. I hope everything is well with you and your family.

Mr. Dennis Santo Tomas, Director of the Post Commission has prepared for submission and for your review as the Legislative Secretary, the Administrative Rules and Regulations pertaining to the Post Commission. I wish to inform you that I fully support Mr. Santo Tomas's proposed Administrative Rules and Regulations. The ARR will guide the Post Commission and its members to accomplish its mission, objectives and goals as set forth by statute. It will also provide the proper guidance, compliance and uniformity required to ensure that officers in our law enforcement agencies continually perform with the highest standards in carrying out their duties and responsibilities.

Please feel to contact me at 487-4683 if you have any questions.

Sincerely,  


**James T. McDonald**  
Administrator, Office of Civil Defense  
Director, Mariana Regional Fusion Center



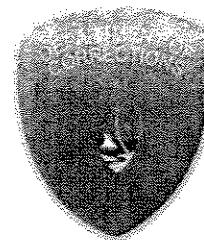
EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

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**Department of Corrections**  
*Depattamenton Mangngurihi*  
Government of Guam

---



JOSE A. SAN AGUSTIN  
Director

P.O. Box 3236  
Hagatna, Guam 96932  
Tel# 735-5170 / 5176  
Fax# 734-4490

November 19, 2014

***Buenas yan Hafa Adai, Honorable Chairman and Senators!*** Si Yu'os Ma'ase for the opportunity to express the Department of Corrections support for the Guam Peace Officers Standards and Training (P.O.S.T). It is with great pleasure to write this letter of support. By the hard work provided by various law enforcement agencies this program will best fit the entire public safety and the people of Guam. This is an important component for all Law Enforcement Officers. The Guam P.O.S.T. offerings are a demonstration of the overall commitment for all Law Enforcement officers.

This will benefit the uniformed personnel at the Department of Corrections in providing good health, and a relief from stress and tension that some of our officer go through due to the working environment that they endure daily. It will also boost up the morale here at the Department with the help on building a physically fit and healthy work force and will fully be capable of keeping the island residents safe and secured. The Department of Corrections look forward to working with the Guam Peace Officer Standards and Training (P.O.S.T.) in the upcoming years. ***Si Yu'os Ma'ase'***

  
JOSE A. SAN AGUSTIN  
Director, Department of Corrections



Eddie Baza Calvo  
Governor

Ray Tenorio  
Lt. Governor

November 20, 2014

**GUAM FIRE DEPARTMENT**  
**DIPATTAMENTON GUAFI GUAHAN**  
*Professionalism \* Respect \* Integrity \* Dedication \* Empathy*



Joey C. San Nicolas  
Fire Chief

**Testimony in support of Bill 418-32**

Subject: Peace Officer Standards and Training (P.O.S.T.) Commission Administrative Rules

Hafa Adai,

It is with great pleasure to submit this letter in support of the proposed P.O.S.T. Commission Administrative Rules before you. This is a result of hours and collaboration with all Public Safety entities of Guam, the Guam Community College (GCC) and Department of Administration (DOA) under the direction of Lt. Governor Ray Tenorio to categorize peace officer positions, establish minimum standards for training, and set relevant qualifications in respect to physical fitness. The Guam Fire Department has made major strides in the standardization and accreditation of training and physical fitness requirements and these Administrative Rules help to provide enforcement and sustainment. It is the intent of the Guam Fire Department to further evolve these Administrative Rules to include specific applications to the Fire Service of Guam.

I'd like to thank Lt. Governor Tenorio, my fellow Chiefs and Directors and all others who have contributed in this endeavor and look forward to continuous improvement of all aspects of Public Safety.

If you have any questions, please contact the undersigned at [joey.sannicolas@gfd.guam.gov](mailto:joey.sannicolas@gfd.guam.gov) or phone (671) 688-6533.

Saina Ma'ase,

  
**JOEY C. SAN NICOLAS**  
Fire Chief



# Judiciary of Guam

Administrative Office of the Courts  
Guam Judicial Center • 120 West O'Brien Dr • Hagatna Gu 96910  
Tel: (671) 475-3544/3278 • Fax: (671) 477-3184



HON. ROBERT J. TORRES  
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA III  
PRESIDING JUDGE

JOSHUA F. TENORIO  
ACTING ADMINISTRATOR OF THE COURTS

November 20, 2014

Honorable Benjamin J.F. Cruz  
Vice Speaker  
Chairman, Committee on General Government Operations and Cultural Affairs  
32<sup>nd</sup> Guam Legislature  
155 Hesler St.  
Hagåtña, Guam 96910

**RE: Bill 418-32 (COR) "An Act to adopt the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of Peace Officers and Standards for Employing Agencies and Training Institutions, to be codified under a New Chapter 3 of Title 27 – Guam Administrative Rules and Regulations."**

*Hafa Adai* Vice Speak Cruz,

Thank you for the opportunity to testify regarding Bill 418-32 (COR). The Judiciary, through its statutorily appointed member, the Chief Marshal of the Courts, has actively participated in the formulation of the proposed rules and regulations contained in the bill. These rules and regulations will assist law enforcement and their employing government entities in ensuring that peace officers are well qualified and properly trained to carry out their duties in safeguarding our community. Thus, the Judiciary supports the proposed rules and regulations as drafted.

*Senseremente,*

JOSHUA F. TENORIO



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

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Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

# Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 418-32 (COR) – B.J.F. Cruz – “An act to adopt the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of peace officers and standards of employing agencies and training institutions, to be codified under a new Chapter 3 of Title 27 - Guam Administrative Rules and Regulations.”** - on November 18, 2014. COR hereby certifies that BBMR confirmed receipt of this request November 19, 2014 at 8:01 A.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 418-32 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

**Senator Rory J. Respicio**  
Chairperson, Committee on Rules

December 11, 2014

Date





## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

November 18, 2014

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

VIA E-MAIL  
[anthony.blaz@bbmr.guam.gov](mailto:anthony.blaz@bbmr.guam.gov)

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Anthony C. Blaz  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

Senator  
Dennis G. Rodriguez, Jr.  
Member

**RE: Request for Fiscal Notes- Bill Nos. 417-32(LS) through 423-32(COR)**

Vice-Speaker  
Benjamin J.F. Cruz  
Member

*Hafa Adai* Mr. Blaz:

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Senator  
Frank Blas Aguon, Jr.  
Member

*Si Yu'os ma'åse'* for your attention to this matter.

Senator  
Michael F.Q. San Nicolas  
Member

Very Truly Yours,

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator Thomas C. Ada  
*Acting Chairperson of the Committee on Rules*

Senator  
Aline Yamashita  
Member

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsors	Title
417-32 (LS)	B. J. F. Cruz	AN ACT TO APPROPRIATE FUNDS FROM THE SUPPLEMENTAL APPROPRIATIONS REVENUE (SAR) FUND FOR THE PAYMENT OF GOVERNMENT OF GUAM EMPLOYEE AND LAW ENFORCEMENT PERSONNEL UNPAID OVERTIME COSTS; AND FOR OTHER PURPOSES.
418-32 (COR)	B. J. F. Cruz	AN ACT TO ADOPT THE RULES AND REGULATIONS OF THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION CONCERNING CERTIFICATION OF PEACE OFFICERS AND STANDARDS FOR EMPLOYING AGENCIES AND TRAINING INSTITUTIONS, TO BE CODIFIED UNDER A NEW CHAPTER 3 OF TITLE 27 - GUAM ADMINISTRATIVE RULES AND REGULATIONS.
419-32 (COR)	B. J. F. Cruz	AN ACT TO AMEND SECTION 2, PART I, CHAPTER II OF PUBLIC LAW 32-181, RELATIVE TO AUTHORIZING FUNDING FOR CHARTER SCHOOLS.
420-32 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO APPROVE THE RULES AND REGULATIONS GOVERNING THE STANDARDS FOR PROFESSIONAL CONDUCT FOR GUAM EDUCATORS.
421-32 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO APPROVE AMENDMENTS TO CHAPTER 8, TITLE 5A, GUAM ADMINISTRATIVE RULES AND REGULATIONS.
422-32 (COR)	Dennis G. Rodriguez, Jr	AN ACT TO PROVIDE FOR ISOLATION AND QUARANTINE PROCEDURES RELATIVE TO AN EMERGENCY DETENTION ORDER FOR THE INCUBATION PERIODS OF SEVERE COMMUNICABLE DISEASES, AS DETERMINED BY THE U.S. CENTER FOR DISEASE CONTROL, BY AMENDING SECTIONS III AND IV OF THE ISOLATION AND QUARANTINE REGULATIONS, CHAPTER 10 OF DIVISION 1, 26 GAR., AND PROVIDE FOR THE DISPOSITION OF BODIES, BY ADDING A NEW § 4502(H) AND AMENDING § 4505, BOTH OF CHAPTER 4A, 10GCA, AND TO AUTHORIZE THE SUM OF ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000.00) FOR RELATED PURPOSES.
423-32 (COR)	B. J.F. Cruz	AN ACT TO ADD A NEW ITEM (18) TO § 4102(a) OF CHAPTER 4, TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PERSONNEL NEEDS OF THE ATTORNEY GENERAL OF GUAM AND THE PUBLIC AUDITOR.



## COMMITTEE ON RULES

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Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER


Senator  
Aline Yamashita  
Member

November 7, 2014

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**   
*Chairperson of the Committee on Rules*

**Subject:** **Referral of Bill No. 418-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 418-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

*I Mina'Trentai Dos Na Liheslaturan Received*

**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
418-32 (COR)	B. J. F. Cruz	AN ACT TO ADOPT THE RULES AND REGULATIONS OF THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION CONCERNING CERTIFICATION OF PEACE OFFICERS AND STANDARDS FOR EMPLOYING AGENCIES AND TRAINING INSTITUTIONS, TO BE CODIFIED UNDER A NEW CHAPTER 3 OF TITLE 27 - GUAM ADMINISTRATIVE RULES AND REGULATIONS.	11/07/14 4:38 p.m.	11/07/14	Committee on General Governmental Operations and Cultural Affairs			

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<a href="mailto:senator@senatorbjcruz.com">senator@senatorbjcruz.com</a>
<a href="mailto:senator@tinamunabarnes.com">senator@tinamunabarnes.com</a>
<a href="mailto:senatorbrantmccreadie@gmail.com">senatorbrantmccreadie@gmail.com</a>
<a href="mailto:senatordrodriguez@gmail.com">senatordrodriguez@gmail.com</a>
<a href="mailto:sensorsannicolas@gmail.com">sensorsannicolas@gmail.com</a>
<a href="mailto:senator@tonyada@guamlegislature.org">senator@tonyada@guamlegislature.org</a>
<a href="mailto:sgflores@tinamunabarnes.com">sgflores@tinamunabarnes.com</a>
<a href="mailto:sgtarms@guamlegislature.org">sgtarms@guamlegislature.org</a>
<a href="mailto:sitarose2@yahoo.com">sitarose2@yahoo.com</a>
<a href="mailto:slimtiaco@guampdn.com">slimtiaco@guampdn.com</a>
<a href="mailto:smendiola@guamlegislature.org">smendiola@guamlegislature.org</a>
<a href="mailto:sonedera-salas@guamlegislature.org">sonedera-salas@guamlegislature.org</a>
<a href="mailto:speaker@judiwonpat.com">speaker@judiwonpat.com</a>
<a href="mailto:staff@frankaguonjr.com">staff@frankaguonjr.com</a>
<a href="mailto:stephaniemendiola@gmail.com">stephaniemendiola@gmail.com</a>
<a href="mailto:talicto@tinamunabarnes.com">talicto@tinamunabarnes.com</a>
<a href="mailto:tanya4families@gmail.com">tanya4families@gmail.com</a>
<a href="mailto:tasigirl@gmail.com">tasigirl@gmail.com</a>
<a href="mailto:tcastro@guam.net">tcastro@guam.net</a>
<a href="mailto:telo.taitague@guam.gov">telo.taitague@guam.gov</a>
<a href="mailto:tessa@senatorbjcruz.com">tessa@senatorbjcruz.com</a>
<a href="mailto:thebigshow@guamcell.net">thebigshow@guamcell.net</a>
<a href="mailto:thebigshow@k57.com">thebigshow@k57.com</a>
<a href="mailto:therese.hart.writer@gmail.com">therese.hart.writer@gmail.com</a>
<a href="mailto:therese@judiwonpat.com">therese@judiwonpat.com</a>
<a href="mailto:tinamunabarnes@gmail.com">tinamunabarnes@gmail.com</a>
<a href="mailto:tjtaitano@cs.com">tjtaitano@cs.com</a>
<a href="mailto:tom@senatorada.org">tom@senatorada.org</a>
<a href="mailto:tommy@senatormorrison.com">tommy@senatormorrison.com</a>
<a href="mailto:tony@senatorada.org">tony@senatorada.org</a>
<a href="mailto:tony@tonyada.com">tony@tonyada.com</a>

**Listserv: [phnotice@guamlegislature.org](mailto:phnotice@guamlegislature.org)  
As of October 2, 2014**

<a href="mailto:tritent@pstripes.osd.mil">tritent@pstripes.osd.mil</a>
<a href="mailto:tterlaje@guam.net">tterlaje@guam.net</a>
<a href="mailto:uperez@senbenp.com">uperez@senbenp.com</a>
<a href="mailto:vejohntorres@guamlegislature.org">vejohntorres@guamlegislature.org</a>
<a href="mailto:vincent@tinamunabarnes.com">vincent@tinamunabarnes.com</a>
<a href="mailto:vleonguerrero@judiwonpat.com">vleonguerrero@judiwonpat.com</a>

<a href="mailto:xiosormd@gmail.com">xiosormd@gmail.com</a>
<a href="mailto:xiosormd@yahoo.com">xiosormd@yahoo.com</a>
<a href="mailto:ylee2@guam.gannett.com">ylee2@guam.gannett.com</a>
<a href="mailto:zita@mvguam.com">zita@mvguam.com</a>
<a href="mailto:zpalomo@guamag.org">zpalomo@guamag.org</a>



Tessa Weidenbacher &lt;tessa@senatorbjcruz.com&gt;

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**FIRST NOTICE of Public Hearing - November 20, 2014**


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Dani Reyes &lt;danireyes@senatorbjcruz.com&gt;

Thu, Nov 13, 2014 at 3:31 PM

To: PH Notice &lt;phnotice@guamlegislature.org&gt;

Cc: Management Information System &lt;mis@guamlegislature.org&gt;, "Senator Rory J. Respicio" &lt;cor@guamlegislature.org&gt;, "Sergeant-at-Arms (Legislature)" &lt;sgtarms@guamlegislature.org&gt;

November 13, 2014

**MEMORANDUM**

To: All Members / All Senators

From: Vice Speaker Benjamin J.F. Cruz, Chairman

**Re: FIRST NOTICE of Public Hearing – November 20, 2014**

*Håfa Adai!* The Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing beginning at **3:30PM** on **Thursday, November 20, 2014**, in the ***I Liheslatura* Public Hearing Room** with the following schedule:

**3:30PM**

- The Executive Appointment of Ms. April L. Flores to serve as Member of the KGTF/PBS Board of Trustees.
- Bill No. 405-32 (COR) – T.R. Muña Barnes – "An act amend §4108(c)(2) of Chapter 4, Title 4 of the Guam Code Annotated, relative to sick leave."
- Bill No. 409-32 (COR) – D.G. Rodriguez, Jr. – "An act to provide for a hazardous pay differential for employees of the Guam Behavioral Health and Wellness Center in unsafe or dangerous hazardous duty working conditions, by adding a new §84112 to Chapter 86, Title 12, Guam Code Annotated."
- Bill No. 418-32 (COR) – B.J.F. Cruz – "An act to adopt the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of peace officers and standards of employing agencies and training institutions, to be codified under a new Chapter 3 of Title 27 - Guam Administrative Rules and Regulations."

A link, as indicated by underlined and boldfaced blue text, has been provided for each agenda item's respective document.

Testimonies may be submitted via hand delivery to the Office of Vice Speaker Benjamin J.F. Cruz at the Guam Legislature; via postal mail to 155 Hesler Street, Hagåtña Guam 96910; via facsimile to 477-2522; or via e-mail to senator@senatorbjcruz.com. Please submit testimonies at least one day prior to the date of the hearing.

All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). Should you or interested parties require assistance or special accommodations to fully participate in this public hearing, please contact Mr. Carlo J. Branch at the Office of the Vice Speaker at 477-2521 or via e-mail at carlo.branch@senatorbjcruz.com.

We look forward to your attendance and participation.

cc: MIS  
COR  
Sgt-at-Arms  
Media

--  
Dani Reyes  
Legislative Aide

Vice Speaker Benjamin J.F. Cruz  
*I Mina'trentai Dos Na Liheslaturan Guåhan*  
T 671-477-2520 | F 671-477-2522  
<http://www.senatorbjcruz.com>

**2 attachments**

**FIRST NOTICE PR GGO PH 1530 11202014.pdf**  
159K

**FIRST NOTICE Memo GGO PH 1530 11202014.pdf**  
172K





November 13, 2014

## MEMORANDUM

To: All Members/All Senators  
From: Vice Speaker Benjamin J.F. Cruz, Chairman

Re: **FIRST NOTICE of Public Hearing - November 20, 2014**

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*Håfa Adai!* The Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing beginning at 3:30PM on **Thursday, November 20, 2014**, in the *Liheslatura Public Hearing Room* with the following schedule:

### 3:30PM

- The Executive Appointment of **Ms. April L. Flores** to serve as **Member** of the **KGTF/PBS Board of Trustees**.
- **Bill No. 405-32 (COR)** – T.R. Muña Barnes – “An act amend §4108(c)(2) of Chapter 4, Title 4 of the Guam Code Annotated, relative to sick leave.”
- **Bill No. 409-32 (COR)** – D.G. Rodriguez, Jr. – “An act to provide for a hazardous pay differential for employees of the Guam Behavioral Health and Wellness Center in unsafe or dangerous hazardous duty working conditions, by adding a new §84112 to Chapter 86, Title 12, Guam Code Annotated.”
- **Bill No. 418-32 (COR)** – B.J.F. Cruz – “An act to adopt the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of peace officers and standards of employing agencies and training institutions, to be codified under a new Chapter 3 of Title 27 - Guam Administrative Rules and Regulations.”

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We look forward to your attendance and participation.



FOR IMMEDIATE RELEASE  
November 13, 2014

## FIRST NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law, P.L. 24-109, relative to notice for public meetings, let this release serve as five (5) days' notice for Public Hearings by the *Committee on General Government Operations and Cultural Affairs* scheduled on **Thursday, November 20, 2014**, in the Guam Legislature Hearing Room in Hagatña, on the following:

**3:30PM**

- The Executive Appointment of **Ms. April L. Flores** to serve as **Member** of the **KGTF/PBS Board of Trustees**.
- **Bill No. 405-32 (COR)** - T.R. Muña Barnes - "An act amend §4108(c)(2) of Chapter 4, Title 4 of the Guam Code Annotated, relative to sick leave."
- **Bill No. 409-32 (COR)** - D.G. Rodriguez, Jr. - "An act to provide for a hazardous pay differential for employees of the Guam Behavioral Health and Wellness Center in unsafe or dangerous hazardous duty working conditions, by adding a new §84112 to Chapter 86, Title 12, Guam Code Annotated."
- **Bill No. 418-32 (COR)** - B.J.F. Cruz - "An act to adopt the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of peace officers and standards of employing agencies and training institutions, to be codified under a new Chapter 3 of Title 27 - Guam Administrative Rules and Regulations."

Testimonies may be submitted in person to the Office of Vice Speaker Benjamin J.F Cruz at the Guam Legislature; by postal mail to 155 Hesler Place, Hagatña Guam 96910; by facsimile to 477-2522; or by e-mail to [senator@senatorbjcruz.com](mailto:senator@senatorbjcruz.com). Copies of written testimonies received at least one day before the scheduled date will be available at the hearing.

Individuals requiring assistance or special accommodations should contact Mr. Carlo J. Branch at the Office of the Vice Speaker at 477-2521, or by e-mail at [carlo.branch@senatorbjcruz.com](mailto:carlo.branch@senatorbjcruz.com).

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Tessa Weidenbacher &lt;tessa@senatorbjcruz.com&gt;

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**SECOND NOTICE of Public Hearing - November 20, 2014**


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Dani Reyes &lt;danireyes@senatorbjcruz.com&gt;

Tue, Nov 18, 2014 at 3:00 PM

To: PH Notice &lt;phnotice@guamlegislature.org&gt;

Cc: "Senator Rory J. Respicio" &lt;cor@guamlegislature.org&gt;, Management Information System &lt;mis@guamlegislature.org&gt;, "Sergeant-at-Arms (Legislature)" &lt;sgtarms@guamlegislature.org&gt;

November 18, 2014

**MEMORANDUM**

To: All Members / All Senators

From: Vice Speaker Benjamin J.F. Cruz, Chairman

**Re: SECOND NOTICE of Public Hearing – November 20, 2014**

*Håfa Adal!* The Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing at **3:30PM on Thursday, November 20, 2014**, in the *I Liheslatura Public Hearing Room* with the following agenda:

**3:30PM**

- The Executive Appointment of Ms. April L. Flores to serve as Member of the KGTF/PBS Board of Trustees.
- Bill No. 405-32 (COR) – T.R. Muña Barnes – “An act amend §4108(c)(2) of Chapter 4, Title 4 of the Guam Code Annotated, relative to sick leave.”
- Bill No. 409-32 (COR) – D.G. Rodriguez, Jr. – “An act to provide for a hazardous pay differential for employees of the Guam Behavioral Health and Wellness Center in unsafe or dangerous hazardous duty working conditions, by adding a new §84112 to Chapter 86, Title 12, Guam Code Annotated.”
- Bill No. 418-32 (COR) – B.J.F. Cruz – “An act to adopt the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of peace officers and standards of employing agencies and training institutions, to be codified under a new Chapter 3 of Title 27 - Guam Administrative Rules and Regulations.”

A link, as indicated by underlined and boldfaced blue text, has been provided for each agenda item's respective document.

Testimonies may be submitted via hand delivery to the Office of Vice Speaker Benjamin J.F. Cruz at the Guam Legislature; via postal mail to 155 Hesler Street, Hagåtña Guam 96910; or via e-mail to [senator@senatorbjcruz.com](mailto:senator@senatorbjcruz.com). Please submit testimonies at least one day prior to the date of the hearing.

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We look forward to your attendance and participation.

cc: MIS  
COR  
Sgt-at-Arms  
Media

–  
**Dani Reyes**  
*Legislative Aide*

**Vice Speaker Benjamin J.F. Cruz**  
*I Mina'trental Dos Na Liheslaturan Guåhan*  
T 671-477-2520 | F 671-477-2522  
<http://www.senatorbjcruz.com>

**2 attachments**

**SECOND NOTICE PR GGO PH 1530 11202014.pdf**  
159K

**SECOND NOTICE Memo GGO PH 1530 11202014.pdf**  
165K



November 18, 2014

**MEMORANDUM**

To: All Members/All Senators  
From: Vice Speaker Benjamin J.F. Cruz, Chairman  
Re: **SECOND NOTICE of Public Hearing – November 20, 2014**

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*Håfa Adai!* The Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing at 3:30PM on **Thursday, November 20, 2014**, in the *I Liheslatura* **Public Hearing Room** with the following agenda:

**3:30PM**

- The Executive Appointment of **Ms. April L. Flores** to serve as **Member** of the **KGTF/PBS Board of Trustees**.
- **Bill No. 405-32 (COR)** – T.R. Muña Barnes – “An act amend §4108(c)(2) of Chapter 4, Title 4 of the Guam Code Annotated, relative to sick leave.”
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We look forward to your attendance and participation.



FOR IMMEDIATE RELEASE  
November 18, 2014

## SECOND NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law, P.L. 24-109, relative to notice for public meetings, let this release serve as forty-eight (48) hours' notice for Public Hearings by the *Committee on General Government Operations and Cultural Affairs* scheduled on **Thursday, November 20, 2014**, in the Guam Legislature Hearing Room in Hagåtña, on the following:

### 3:30PM

- The Executive Appointment of **Ms. April L. Flores** to serve as **Member** of the **KGTE/PBS Board of Trustees**.
- **Bill No. 405-32 (COR)** - T.R. Muña Barnes - "An act amend §4108(c)(2) of Chapter 4, Title 4 of the Guam Code Annotated, relative to sick leave."
- **Bill No. 409-32 (COR)** - D.G. Rodriguez, Jr. - "An act to provide for a hazardous pay differential for employees of the Guam Behavioral Health and Wellness Center in unsafe or dangerous hazardous duty working conditions, by adding a new §84112 to Chapter 86, Title 12, Guam Code Annotated."
- **Bill No. 418-32 (COR)** - B.J.F. Cruz - "An act to adopt the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of peace officers and standards of employing agencies and training institutions, to be codified under a new Chapter 3 of Title 27 - Guam Administrative Rules and Regulations."

Testimonies may be submitted in person to the Office of Vice Speaker Benjamin J.F Cruz at the Guam Legislature; by postal mail to 155 Hesler Place, Hagåtña Guam 96910; by facsimile to 477-2522; or by e-mail to [senator@senatorbjcruz.com](mailto:senator@senatorbjcruz.com). Copies of written testimonies received at least one day before the scheduled date will be available at the hearing.

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## PUBLIC HEARING AGENDA

Thursday, November 20, 2014

Guam Legislature Public Hearing Room • Hagåtña, Guam

3:30PM

- The Executive Appointment of **Ms. April L. Flores** to serve as **Member** of the **KGTF/PBS Board of Trustees**.
- **Bill No. 405-32 (COR)** - T.R. Muña Barnes - "An act amend §4108(c)(2) of Chapter 4, Title 4 of the Guam Code Annotated, relative to sick leave."
- **Bill No. 409-32 (COR)** - D.G. Rodriguez, Jr. - "An act to provide for a hazardous pay differential for employees of the Guam Behavioral Health and Wellness Center in unsafe or dangerous hazardous duty working conditions, by adding a new §84112 to Chapter 86, Title 12, Guam Code Annotated."
- **Bill No. 418-32 (COR)** - B.J.F. Cruz - "An act to adopt the Rules and Regulations of the Peace Officer Standards and Training Commission concerning certification of peace officers and standards of employing agencies and training institutions, to be codified under a new Chapter 3 of Title 27 - Guam Administrative Rules and Regulations."