

MAR 17 2015

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

Speaker
I Mina' Trentai Tres Na Liheslaturan Guahan
155 Hesler Place
Hagåtña, Guam 96910

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

RE: Committee Report on Bill No. 40-33 (COR), as substituted by the Committee

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 40-33 (COR), as substituted by the Committee - An act to amend §§8107 and 8108 of Chapter 8, Title 7, §5103(d) of Chapter 5, and §6403 of Article 4, Chapter 6, Title 17, all of the Guam Code Annotated; and to add a new §55102(h) of Chapter 55, Title 10, Guam Code Annotated, relative to properly classifying law enforcement personnel of the Government of Guam by renaming "Attendance Officer" as "Truancy Officers" to reflect the practice throughout the United States; to classifying Truancy Officers appointed as Special Deputy Marshals as Law Enforcement Personnel.

Committee votes are as follows:

- 4 TO DO PASS
- _____ TO NOT PASS
- 4 TO REPORT OUT ONLY
- _____ TO ABSTAIN
- _____ TO PLACE IN INACTIVE FILE

Respectfully,

SENATOR FRANK B. AGUON, JR.
Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guahan | 33RD Guam Legislature

2015 MAR 17 PM 1:49

- Senator
FRANK B. AGUON, JR.
Chairman
- Senator
Thomas C. Ada
Vice Chairman
- Vice-Speaker
Benjamin J.F. Cruz
Member
- Senator
Rory J. Respicio
Member
- Senator
Dennis G. Rodriguez, Jr.
Member
- Senator
Dr. Nerissa B. Underwood, Ph.D.
Member
- Senator
V. Anthony Ada
Member
- Senator
Frank F. Blas Jr.
Member
- Senator
James V. Espaldon
Member
- Senator
Brant T. McCreadie
Member
- Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio



Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Rory J. Respicio
Member

Senator
Dennis G. Rodriguez, Jr.
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Senator
Dr. Nerissa B. Underwood, Ph.D.
Member

Senator
V. Anthony Ada
Member

Senator
Frank F. Blas Jr.
Member

Senator
James V. Espaldon
Member

Senator
Brant T. McCreddie
Member

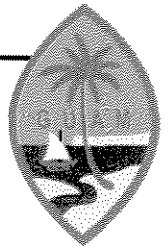
Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio

COMMITTEE REPORT ON

AS SUBSTITUTED BY THE COMMITTEE ON U.S. MILITARY RELOCATION, PUBLIC SAFETY AND JUDICIARY

BILL NO. 40-33 (COR)


"An act to amend §§8107 and 8108 of Chapter 8, Title 7, §5103(d) of Chapter 5, and §6403 of Article 4, Chapter 6, Title 17, all of the Guam Code Annotated; and to add a new §55102(h) of Chapter 55, Title 10, Guam Code Annotated, relative to properly classifying law enforcement personnel of the Government of Guam by renaming "Attendance Officer" as "Truancy Officers" to reflect the practice throughout the United States; to classifying Truancy Officers appointed as Special Deputy Marshals as Law Enforcement Personnel."



March 13, 2015

MEMORANDUM

To: All Members
Committee on U.S. Military Relocation, Public Safety and Judiciary

From: SENATOR FRANK B. AGUON, JR. 
Committee Chairperson

Subject: Committee Report on Substituted Bill No. 40-33 (COR)

Transmitted herewith for your consideration is the Committee Report on Substitute Bill No. 40-33 (COR) – "An act to amend §§8107 and 8108 of Chapter 8, Title 7, §5103(d) of Chapter 5, and §6403 of Article 4, Chapter 6, Title 17, all of the Guam Code Annotated; and to add a new §55102(h) of Chapter 55, Title 10, Guam Code Annotated, relative to properly classifying law enforcement personnel of the Government of Guam by renaming "Attendance Officer" as "Truancy Officers" to reflect the practice throughout the United States; to classifying Truancy Officers appointed as Special Deputy Marshals as Law Enforcement Personnel.

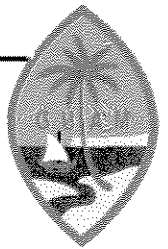
This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Substituted Bill No. 40-33 (COR)
- Copy of Bill No. 40-33 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 40-33(COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Related News Reports

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

Si Yu'os ma'åse'!

- Senator
FRANK B. AGUON, JR.
Chairman
- Senator
Thomas C. Ada
Vice Chairman
- Vice-Speaker
Benjamin J.F. Cruz
Member
- Senator
Rory J. Respicio
Member
- Senator
Dennis G. Rodriguez, Jr.
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- Senator
Dr. Nerissa B. Underwood, Ph.D.
Member
- Senator
V. Anthony Ada
Member
- Senator
Frank F. Blas Jr.
Member
- Senator
James V. Espaldon
Member
- Senator
Brant T. McCreddie
Member
- Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio



COMMITTEE VOTING SHEET

Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Rory J. Respicio
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Dr. Nerissa B. Underwood, Ph.D.
Member

Senator
V. Anthony Ada
Member

Senator
Frank E. Blas Jr.
Member

Senator
James V. Espaldon
Member

Senator
Brant T. McCreadie
Member

Speaker
Dr. Judith T. Won Pat. Ed.D
Ex-Officio

Bill No. 40-33 (COR) – As Substituted – “An act to amend §§8107 and 8108 of Chapter 8, Title 7, §5103(d) of Chapter 5, and §6403 of Article 4, Chapter 6, Title 17, all of the Guam Code Annotated; and to add a new §55102(h) of Chapter 55, Title 10, Guam Code Annotated, relative to properly classifying law enforcement personnel of the Government of Guam by renaming “Attendance Officer” as “Truancy Officers” to reflect the practice throughout the United States; to classifying Truancy Officers appointed as Special Deputy Marshals as Law Enforcement Personnel.” sponsored by SENATOR FRANK B. AGUON, JR.

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
AGUON, FRANK B. JR. Committee Chairperson		✓				
ADA, THOMAS C. Committee Vice Chairperson		✓				
VICE-SPEAKER CRUZ, BENJAMIN J.F. Committee Member				✓		
RESPICIO, RORY J. Committee Member						
RODRIGUEZ, DENNIS G. JR. Committee Member		✓				
UNDERWOOD, NERISSA B. PH.D Committee Member				✓		
ADA, V. ANTHONY Committee Member				✓		
BLAS, FRANK F. JR. Committee Member				✓		
ESPALDON, JAMES V. Committee Member						
MCCREADIE, BRANT T. Committee Member		✓				
SPEAKER WON PAT. JUDITH T. Ed.D. Ex-Officio						



COMMITTEE REPORT DIGEST

Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Rory J. Respicio
Member

Senator
Dennis G. Rodriguez, Jr.
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Senator
Dr. Nerissa B. Underwood, Ph.D.
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Senator
V. Anthony Ada
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Senator
James V. Espaldon
Member

Senator
Brant T. McCreadie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D
Ex-Officio

I. **OVERVIEW**

Bill No. 40-33 (COR) was introduced on February 23, 2015, by Senator Frank b. Aguon, Jr., and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Public Safety and Judiciary on February 24, 2015.

The Committee on Guam US Military Relocation, Public Safety and Judiciary convened a public hearing on Bill No. 40-33 (COR) on Wednesday, March 11, 2015 at 5:30PM in I *Liheslatura's* Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets on Wednesday, March 4, 2015 (5-Day Notice), and again on Monday, March 9, 2015 (48-Hour Notice).

Senators Present

Senator Frank B. Aguon, Jr., Chairperson
Vice-Speaker Cruz, Committee Member
Senator Dennis G. Rodriguez, Jr., Committee Member
Senator James V. Espaldon, Committee Member
Senator Brant t. McCreadie, Committee Member
Senator Michael F. Q. San Nicolas

The public hearing was Called-to-Order at 5:30 PM.

II. **SUMMARY OF TESTIMONY & DISCUSSION**

Senator Aguon:

Safety and Judiciary is here by convened. I would like to initially start off by thanking my colleagues to my immediate right and to my left, Senator Mike San Nicolas and Senator Brant McCreadie for joining us this evening. On the agenda we have two legislative proposals. One is bill number four zero (Bill No. 40), which is an act relative to properly classify law enforcement personnel of the Government of Guam by renaming attendance officers as truancy officers to reflect practice throughout the United States and classify such officers of law enforcement under the provisions of public law twenty nine dash one o five (29-105), and to provide uniforms and equipment to truancy officers that is bill number four zero dash three-three COR (Bill No. 40-33 COR). The second item on the agenda this evening will be bill number four two dash three-three COR (Bill No. 42-33 COR), which is an act relative to the crime of promoting prison contraband which may be cited as the contraband reform act of 2015.

Senator Aguon:

As it applies to the open government law just for the information of the members of the public, notifications were sent out on the fourth of March to all the senators, to the media partners, and to the stakeholders and in subsequent, the forty eight hour notification was released on the ninth of March to likewise the senators, the media as well as the stakeholders. The first legislative proposal as I read the title a little earlier, is bill number four zero dash three-three COR (Bill No. 40-33 COR) and because we had to have a somewhat extensive list of individuals who have signed in, were going to go ahead and proceed and begin the overall presentation of the testimonies. So if I can invite the following individuals to please join us upfront Ryan Aguigui, Kenneth Chargualaf, Lourdes San Nicolas, and Clarissa Chargualaf. If I can invite the four of you to please join us upfront and you will begin the discussion on bill number and your presentation on bill number four zero dash three-three COR (Bill No. 40-33 COR.) Before any of you commence with your statements I would like to recognize Vice Speaker Cruz who is the acting speaker at the moment, thank you very much Mr. Speaker for joining us in this discussion in this public hearing this evening. Mr. Aguigui if you can pull the mic please and turn on the mic and speak directly into the mic and identify yourself for the record and then proceed with your written testimony. Thank You.

Ryan Aguigui:

Ryan Aguigui school attendance officer D.O.E, in favor of.

Senator Aguon:

Is there anything else you like to say with regards to the proposal?

Ryan Aguigui:

No sir.

Senator Aguon:

Ok. Thank you very much Mr. Aguigui. I appreciate your presence this evening, and Mr. Chargualaf I take it to you and Ms. San Nicolas.

Kenneth Chargualaf:

Good afternoon Mr. Chair, Senator Aguon, Senator McCreddie, Senator San Nicolas, and Senator Vice Speaker Benjamin Cruz. Buenas Yan Hafa Adai. **[Written Testimony Attached]**

This is the [d]ocument I'm making reference too. **[Exhibit "A" attached]**

So Senators what we did eventually is that we took position description straight out of the established and approved Civil Service Commission for school attendance officers. We look at the establish Civil Service Commission straight out of those documents and listed them, cite by cite and we did a comparable analysis of the work. I am not professing that I am human resource but I have to say that I have enough experience to know that these positions have been carefully scrutinized and analyzed by Civil Service Commission. In fact some of the wordings in here, I'm going to summarize really were taking almost directly out of the either the probation officers or out of the Deputy Marshalls lingual.

I wish to inspire this august body to support Bill forty dash thirty-three (Bill No. 40-33.) Thank you and Si Yu'us Maase.

Senator Aguon:

Si Yuus Maase Mr. Chargualaf for your testimony this evening. Ms. San Nicolas, please identify yourself.

Lourdes San Nicolas:

Buenas Vice Speaker Cruz, Chairperson Senator Aguon, Senator San Nicolas, Senator McCreadie.

[Written Testimony Attached]

Senator Aguon:

Thank you very much Ms. San Nicolas for your testimony this evening. Just a quick question because I know the chairman of appropriations is also here and in terms of looking at the financial implications and this general questions that I would like to propose also to our school attendance officers at the moment. It would, would there be any? What would be your response if in fact we make this effective at the commencement of the next fiscal year, only primarily because of budgetary considerations.

Kenneth Chargualaf:

Are we talking about the financial aspect of the department's budget? Certainly because we also are very very sensitive that as the chair of the finance and budget committee. I see it being probably that we may be requesting for an additional funding to support this piece of legislation only because we know that the department needs every cent to support the current operations on personal sections

Senator Aguon:

Ands that's one of the reasons why I pose that question because if in fact we consider this and then we look at it having effective on the first of October, then the financial considerations would be part of the budget that will be adopted in the next FY (Fiscal Year.) So I certainly hope there would be some consideration in your part because you're here today extending your support for this initiative and if in fact we proceed that we pass it and make it effective as of the beginning of the next fiscal year I think that there's a stronger possibility of being able to identify the resources with the appropriations committee, rather than trying to identify it in this fiscal year. So just a thought of consideration. Any questions or comments from my colleagues? Senator San Nicolas? Thank you very much Mr. Aguigui, and Ms. San Nicolas, Mr. Chargualaf. Thank you. Si Yu'us Ma'ase. If I can invite the following individuals to please join us up front, Clarissa Chargualaf, Tara Quidachay, is it Sicut Quidachay, and Sherry Sanchez. If by any chance you want to signify that you wanted to sign in the attendance roster and not necessarily present an oral testimony, then please just identify yourself for the record. Sherry? Ok. Anyone else? We have Clarissa Chargualaf, Tara Quidachay, Siret Quidachay, John Sanchez? If I can invite you all to the front and like I said folks, if by any chance if you signed the attendance roster specifically to show support and the committee will recognize that as opposed to proving oral testimony. Anyone else? Any of those individuals I called in the audience? What about Divina Garrido, Ronald Camacho? Divina are you going to be providing testimony? Ok, but you signed in specifically to show your endorsement of the proposal. Ok. Thank you Ms. Garrido. Anyone else that I called out? Mr. Camacho likewise? Ok. So you will not be providing oral testimony but you signed in signifying your support for the legislation. Thank you. Thank you very much folks and that's one of the things my people are asking is if in fact you coming to endorse the legislation and if you don't want, it is not a requirement that you provide oral testimony but you signed in and signified whether you support the legislation. Of all those that I called, let me just once again call these individuals just in case they are in the audience.

Senator Aguon:

Clarissa Chargualaf, Tara Quidachay, Sicut Quidachay, and John Sanchez are you in the audience? You can just signify if in fact you don't want to present testimony, but I know that they all signed in favor of this particular proposal. If not we'll continue on down the list Alfred Garrido please, John Meno, Geraldine Tajalle, Nadine Calvo, like I said if you're here to support and not present testimony then please signify by raising your hand. We have Sanna Santos, Vicente Chargualaf, and John San Nicolas. You're all here to specifically endorse the legislation. Ok. So I take it, Mr. Garrido is your point person? Ok. Let me just continue please; bear with me folks in terms of inviting the others who may be here to provide testimony. Stephanie Chargualaf, Benny Chargualaf, Carla Borja, Norma Quitugua? Carla please, if you can join us up front. I take it Stephanie Chargualaf, Benny Chargualaf, and Norma Quitugua are also here to support the legislation. Ok. Thank you very much for signing in. John Camacho, Doris Camacho, Natasha Garrido, Marlene Poppe, and Eric Miller. If any of you are here to provide oral testimony please join us up front, otherwise I would take it that you're here endorsing the legislation, by virtue of your signature. Ok. So we do have three individuals up front, and then well go ahead and proceed with the testimony and Mr. Garrido you may precede. Please identify yourself for the record. Alfred can you pull the mic close? Thanks.

Alfred Garrido:

Good evening or good afternoon senators.

[Written Testimony Attached]

The question dear senators really shouldn't be are we law enforcement officers. The real questions is, that we should be asking ourselves is, how are we not? The school attendance officers and I humbly seek your support to address this inequity on voting yes on bill forty dash thirty-three (Bill No. 40-33) and enact it into law.

Senator Aguon:

Thank you very much Mr. Garrido for your testimony and also all the attached documents you provide as part of your written testimony. And just for the record the testimony that was just presented by Mr. Garrido is also consigned by nine other school attendance officers. Ok. Thank you Mr. Garrido. Ms. Borja? Please.

Carla Borja:

Good afternoon Mr. Chair, Vice Speaker Cruz, Senator San Nicolas, Senator McCreadie.

[Written Testimony Attached]

Senator Aguon:

Thank you very much Ms. Borja for your testimony this evening. Mr. Miller? Please identify yourself for the record.

Eric Miller:

Vice Speaker Cruz, Senator San Nicolas, Senator McCreadie. My name is Eric Miller, I am the public defender. It's been my privilege to spend many happy Friday afternoons with these truant officers in the court. I saw a presentation recently from an attorney who specializes in death penalty cases. That's all he does is death penalty cases. He said you know, if you give me, if you tell me you're representing someone in a death penalty case, I can tell you one thing for sure about that particular defendant.

Eric Miller:

He works in a juvenile court system. A hundred percent (100 %) I do a lot of work in juvenile court and I can tell you that every one of my files, with almost no exception, where I'm representing a child who has been charged as a juvenile delinquent, meaning that he is accused of doing something that if he were an adult it would be a crime. In almost a hundred percent (100%) of those cases, that file started with not a crime but with truancy. That's how important this work is, and as a community, if you want to make a difference in the criminal justice system, you got to start at the beginning. You got to catch these kids before they become adults. You got to get them into school. You got to keep them in school, and you want the very best personnel out there doing that work. And that's why I think that you should consider them with the same status as law enforcement because they are out in the field doing discretionary work with these children and you want to do it right because if they are effective in what they are doing, they can change the course of how those children come out at the end. Thank you very much.

Senator Aguon:

Thank you very much Mr. Miller for your testimony this evening. Any questions from my colleagues? Senator San Nicolas?

Senator San Nicolas:

Thank you Mr. Chairman. I would just like to clarify now because it seems like I'm getting two different sets of facts. Mr. Garrido you testified that the truancy officers are completing, you guys are deputy marshals of the court.

Alfred Garrido:

Correct. Yes sir. We are.

Senator San Nicolas:

Do deputy marshals of the court, get law enforcement pay?

Alfred Garrido:

The deputy, we are special deputy marshals.

Senator San Nicolas:

Special deputy marshals but the deputy marshals of the court?

Alfred Garrido:

The deputy marshals? Yes they do.

Senator San Nicolas:

They do. How are special deputy marshals different from deputy marshals?

Alfred Garrido:

To my understanding, special deputy marshals are deputized to conduct their specialized nature of work, which is why we are categorized under category two.

Senator San Nicolas:

So none of the deputy marshals can do truancy work. It's just you guys.

Alfred Garrido:

To my knowledge.

Senator San Nicolas:

And then as special deputy marshals you go through the same training as the other deputy marshals?

Alfred Garrido:

As under the law like I mentioned in my testimony we. It was required that we take training, which was again developed and adopted by the Judicial Council Guam, which we have and recertify every two years.

Senator San Nicolas:

So you guys go through the same training as the deputy marshals.

Alfred Garrido:

Yes. Right.

Senator San Nicolas:

Because the testimony from Ms. Borja

Alfred Garrido:

Aside from of course the firearms and the specialized tactics. If you are talking about the special enforcement tactics.

Senator San Nicolas:

Because the testimony from Ms. Borja is saying that there is no mandatory training of law enforcement vetting this position or no law enforcement vetting is required for this position prior to be selected, but you cannot be a truancy officer unless you go through that training.

Alfred Garrido:

Correct

Senator San Nicolas:

I just need to clarify that because I'm not quite sure where that statement would come from.

Alfred Garrido:

We wouldn't be able to conduct our official duties unless we went through this training and we are certified and sworn in.

Senator San Nicolas:

Do you guys carry a badge?

Alfred Garrido:

Yes.

Senator San Nicolas:

And when you go in and enforce your duties as special deputy marshals are you going on to private residences for example?

Alfred Garrido:

We are going to the unknown sir and like what was mentioned, whenever you have a badge on you pretty much you are made the target. You are the bad guy, you're the enemy. Yes we go into the unknown and at risk because the course of work that we do, naturally wherever we go is assumed or presumed to be at risk for us or pretty much anybody.

Senator San Nicolas:

When you are pursuing a truant, a student who is truant, it's the child that's truant but who is actually the one who is breaking the law? Is it the child or is it the parent or guardian?

Alfred Garrido:

For the most part it would be the parent or guardian and of course those are really the people that are responsible ultimately for all our children.

Senator San Nicolas:

So when these cases go to court for truancy, it's the parent or guardian that's going to court.

Alfred Garrido:

Correct. Depending also on their age. There are certain minors that are age level that become adjudicated and given court orders.

Senator San Nicolas:

So you guys don't carry any firearms or.

Alfred Garrido:

No sir we go in basically with pepper spray and baton.

Senator San Nicolas:

When someone is found guilty of truancy, a parent or a guardian, what is the penalty by law? Are you familiar with that having represented because it says you represented the department in court? Are you familiar with what's at stake for them?

Alfred Garrido:

Very true. We are the sole representatives at the preliminary hearings. Your average basic outcome would be the adjudication of court order that was given either to the parent and also the child depending like I mentioned depending on their age and their responsibility that they must adhere to going to school, obeying the laws of Guam, the commands of their parents and basically not miss anymore school whether its unexcused absences or tardy for that matter.

Senator San Nicolas:

What's the? So if someone was just always truant and a parent was just constantly having a truancy case with their child. What kind of penalties will the courts levy on them?

Alfred Garrido:

Senators, just to let you know there are truancy cases really are very complex. It can be as simple as no transportation. It could be as complex as child abuse, neglect. I mean we really open a whole lot of can of worms if you will.

Senator San Nicolas:

So by bringing a case to court for truancy you might also be in effect having a parent or guardian eventually getting charge for a higher crime.

Alfred Garrido:

Correct and it has happened.

Senator San Nicolas:

So when, I'm just trying to play these scenarios in my head because I'm trying to understand exactly the nature of your job and why its law enforcement related. So you're unarmed, you're going into a residence looking for a truant, and at that residence maybe the parent or guardian who is eventually going to have to go to court because of that truancy and as a result of that truancy there may be in fact higher crimes that may be uncovered by that very parent or guardian and you're entering that residence unarmed so that parent or guardian who already has a truancy issue that is going have to be adjudicated may also be looking at you, walking in that door without an armament saying themselves this guy is going to get me eventually busted for child abuse or whatever that might eventually come as a result for taking that child in for truancy.

Alfred Garrido:

Yes. Yes, in fact we collaborate many times with the Deputy Marshalls because quite a few if not most of our parents that we deal with do in fact have bench warrant or search warrants and so we collaborate with them and in fact there were a couple of cases where we went to the household or a couple of the SAOs went to the household with the Deputy Marshalls to execute both the apprehension and detention of the minor and the parents. So yes, it's not uncommon at all.

Senator San Nicolas:

Now I know the bill is not talking about, law enforcement adjusting your salary to law enforcement personnel, but do you guys currently get hazard pay?

Alfred Garrido:

No sir

Senator San Nicolas:

No hazard pay. Thank you Mr. Chair

Senator Aguon:

Thank you very much Senator San Nicolas. Thank you very much Mr. Garrido, Mr. Miller, Ms. Borja for your testimonies this evening. I am going to call out the following names and if by any chance you are in the audience you are invited to join us upfront and I recognize that there's a request that a good number of individuals not necessarily provide oral testimony. So if you do not join us upfront, I will recognize that in fact you have signed in to show your position on this particular measure. We have Mr. Chris Anderson, Janice Chargualaf, Anna Chargualaf, Benny Chargualaf, Benny Chargualaf Jr., Ignacia Barcinas, Edward Barcinas. If any of you are in the audience and would like to join us up front and provide oral testimony please do so. If not the committee will recognize that you have signed as expressing on this particular measure. So once again Mr. Chris Anderson, Janice Chargualaf, Anna Chargualaf, Benny Chargualaf, Benny Chargualaf Jr., Ignacia Barcinas, and Edward Pereira. The additional individuals are Eva Camacho from DOE (Department of Education), Yvonne Manglona, Ignacio Guerrero, and Arlene San Nicolas. Once again the additional names are Eva Camacho, Yvonne Manglona, Ignacio Guerrero, and Arlene San Nicolas. So I take it all of you have also signed in and have expressed your position on this particular measure. Senators unless you have any statements you would like to make in regards to this proposal bill number four zero dash three three (Bill No. 40-33.) This concludes our public hearing. Just for the information of the public the committee will continue to receive public comments, written comments, subsequent to this date for the next ten days and then we will see what we can do to place this measure on the agenda within the next two three months. Ok. So the next ten days the public is invited to provide written testimony to the committee.

Senator Aguon:

That concludes our discussion on that measure. I would also like to recognize that there are written testimonies received by the committee. One from Mr. Jose Munoz. Another one by Aggy Maanao Cruz, Steven Pangelinan. We also do have testimony from an Emily Meno and Mr. Fernandez the Superintendent of Education has also provided written testimony as it applies to bill number four zero. So the committee will proceed as stated by receiving written testimony by any chance the public would like to provide written testimony. If any of these, I just received a new list of individuals who have signed in.

Mr. Joe San Agustin, Jeff Limo, and Julius Tano, I take it that's for the next proposal. So I apologize. So that being the case. Thank you very much folks for your attendance this evening and for your oral or expressive testimony in terms of bill number four zero dash three-three (Bill No. 40-33.) That's concludes our public hearing on that particular measure.

If not, the Chair is going to apply the prerogative as it applies to bill number four zero - three-three (40-33) and bill number four two- three-three (42-33) and prepare the committee at the conclusion of this particular week. So, just for the information of the public I am going to rescind my initial statement with regards to the earlier legislation and work on having both proposals reported out. Right now the good sponsor of Bill forty two-three-three (42-33) requested that it be reported out by the conclusion of this week and there are also requests by individuals in the community who had provided testimony in the previous legislation to see if that could be reported out within that same timeline. So the committee will be reporting it out, so if by any chance the public would like to provide testimony on either of these measures that have been entertained this evening I would like to request that it be transmitted and submitted by ten (10) AM this Friday, the thirteenth (13). ten (10) AM this Friday morning.

That being the case, these particular measure have been publicly heard and the committee is hereby concluded. Thank You.

The Public Hearing concluded at 6:22 PM.

III. WRITTEN TESTIMONY

The following individuals submitted written testimonies to the Committee on Guam U.S. Military Relocation, Public Safety and Judiciary *before or after* the scheduled Public Hearing on Wednesday, March 11, 2015 at 5:30PM:

1. Mr. Alfred T. Garrido, Acting School Attendance Officer Supervisor, Guam Department of Education
2. Mr. Kenneth P. Chargualaf, Private Citizen
3. Mrs. Lourdes San Nicolas, Private Citizen
4. Mrs. Carla Borja, Deputy Director, Department of Corrections
5. Mr. Steven Pangelinan, Social Worker, Guam Department of Education
6. Mrs. Doris D. Bukikosa, Project Director, United States Department of Education
7. Jose U. Munoz, Faculty Member, Guam Community College
8. Mrs. Aggy Maanao Cruz, Assistant Principal, George Washington High School
9. Mr. Gary E. Camacho, Private Citizen
10. Mrs. Liza Ann Camacho, Attendance Officer Supervisor, Guam Department of Education
11. Mrs. Emily Meno, Assistant Principal, Okkodo High School
12. Mr. Jon J.P. Fernandez, Superintendent, Guam Department of Education
13. Mr. Robert S. Cruz, Acting Administrator of the Courts, Judiciary of Guam
14. Chief Fred E. Bordallo, Jr., Chief of Police, Guam Police Department
15. Chief Joey C. San Nicolas, Fire Chief, Guam Fire Department

IV. FINDINGS & RECOMMENDATIONS

The Committee on Guam U.S. Military Relocation, Public Safety and Judiciary hereby reports out As *Substituted* Bill No. 40-33 (COR), with the recommendation to: TO DO PASS / REPORT OUT

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 40-33 (COK)

Introduced by:

FRANK B. AGUON, JR. 

AN ACT TO AMEND §§ 8107 AND 8108 OF CHAPTER 8, TITLE 7 GCA, §5103(d) OF CHAPTER 5, TITLE 17 GCA, AND § 6403 OF ARTICLE 4, CHAPTER 6, TITLE 17 GCA, AND BY ADDING A NEW §55102(h) OF CHAPTER 55, TITLE 10 GCA, RELATIVE TO PROPERLY CLASSIFY LAW ENFORCEMENT PERSONNEL OF THE GOVERNMENT OF GUAM BY RENAMING "ATTENDANCE OFFICERS" AS "TRUANCY OFFICERS" TO REFLECT PRACTICE THROUGHOUT THE UNITED STATES AND CLASSIFY SUCH OFFICERS AS LAW ENFORCEMENT UNDER THE PROVISIONS OF PUBLIC LAW 29-105; AND TO PROVIDE UNIFORMS AND EQUIPMENT TO TRUANCY OFFICERS.

2015 FEB 23 PM 3:25



1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Public Law 14-55 first authorized the appointment of Attendance Officers.
4 Attendance Officers are authorized to "take into custody during school hours,
5 without warrant, any truant found away from the truant's home and who has
6 been reported truant." Attendance Officers are appointed by the Unified Judiciary
7 of Guam as Special Deputy Marshals under §8107(a) of Chapter 8, Title 7, Guam
8 Code Annotated. Under that same subsection, they are provided law enforcement
9 training under the Unified Judiciary of Guam.

1 The Attendance Officers are employed to enforce Guam’s laws on truancy,
2 but are not treated as law enforcement under Public Law 29-105.

3 It is therefore the intent of *I Liheslaturan Guåhan* that Attendance Officers
4 be renamed “Truancy Officers” to reflect the practice throughout the United States
5 and to include them under the public safety and law enforcement pay adjustment if
6 they are appointed as special deputy marshals of the court under Public Law 29-
7 105, by amending §§ 8107 and 8108 of Chapter 8, Title 7, and Subsection (d) of
8 §5103, Chapter 5, and § 6403, of Article 4 Chapter 6, Title 17, all of the Guam
9 Code Annotated, and by adding a new (h) to §55102 of Chapter 55, Title 10, Guam
10 Code Annotated.

11 **Section 2. Marshal; Appointment of Special Deputies.** §8107 of Chapter
12 8, Title 7, Guam Code Annotated, is hereby *amended*, to read:

13 **“§ 8107. Marshal; Appointment of Special Deputies.**

14 The Chief Justice, at the request of the Marshal of the Court,
15 may appoint employees of the Department of Law, the Department of
16 Revenue & Taxation of the government of Guam, and the Truancy
17 ~~School Attendance~~ Officers of the Department of Education as
18 Special Deputy Marshals of the Guam Judiciary. Such appointments
19 shall be for as long as such employees remain in their employment
20 with their respective departments, unless sooner revoked by the Chief
21 Justice, whichever is earlier.

22 (a) The Truancy ~~School Attendance~~ Officers of the Department
23 of Education shall complete a training program developed and
24 adopted by the Judicial Council, that is pertinent to their appointment,
25 prior to such appointment as Special Deputy Marshals of the Guam
26 Judiciary.”

1 **Section 3. Special Deputy Marshal; Duties, Compensation.** §8108 of
2 Chapter 8, Title 7, Guam Code Annotated, is hereby *amended*, to read:

3 **“§ 8108. Special Deputy Marshal; Duties, Compensation.**

4 (a) The employees of the Department of Law who are appointed
5 as deputies under §8107 of this Chapter *shall* exercise their office
6 only in cases wherein the government of Guam is a party. The
7 employees of the Department of Revenue and Taxation who are
8 appointed as deputies under said §8107 *shall* exercise their office only
9 in matters concerning the income tax laws and other tax and revenue
10 laws of Guam. The Truancy School Attendance Officers of the
11 Department of Education under §8107 *shall* exercise their office only
12 in matters concerning truancy proceedings of the Superior Court of
13 Guam. No deputies under said §8107 *shall* be entitled to
14 compensation in addition to the compensation they are receiving as
15 employees of the government of Guam.”

16 **Section 4. Public Safety and Law Enforcement Compensation Review.**

17 A new Subsection (h) is hereby *added* to §55102, Article 1, Chapter 55, Title 10,
18 Guam Code Annotated, to read:

19 “(h) Truancy Officers at the Guam Department of Education
20 *shall* be included in the law enforcement compensation adjustment
21 mandated by this section, provided they are appointed as Special
22 Deputy Marshals of the Unified Judiciary of Guam under §8107 of
23 Chapter 8, Title 7, Guam Code Annotated. Notwithstanding the
24 provision of subsection (e) of this section, the pay adjustment
25 authorized by this subsection *shall* be applied prospectively upon
26 enactment.”

1 **Section 5. Same: Same: Qualifications.** Subsection (d) of §5103, Chapter
2 5, Title 17, Guam Code Annotated, is hereby *amended*, to read:

3 “(d) to act as Truancy ~~school attendance~~ officers; *and*”

4 **Section 6. Truancy Officer.** §6403 of Article 4, Chapter 6, Title 17, Guam
5 Code Annotated, is hereby *amended*, to read:

6 “§ 6403. Truancy Attendance Officer.

7 The Superintendent *shall* appoint employees of the Department
8 of Education, as Truancy Attendance Officers. The Truancy
9 ~~Attendance~~ Officers, any peace officer, principal, or dean may take
10 into custody during school hours, without warrant, any truant found
11 away from the truant’s home and who has been reported truant. ~~For~~
12 ~~the purposes of Title 10 GCA, Chapter 55, § 55102, Attendance~~
13 ~~Officers are not classified as public safety and law enforcement~~
14 ~~officers.”~~

15 **Section 7. Replacement of Terms.** Any references to “Attendance
16 Officer” or “School Attendance Officer” and “Attendance Officers” or “School
17 Attendance Officers” of the Department of Education, whether occurring in public
18 laws, executive orders, or rules and regulations *shall* be construed to mean
19 “Truancy Officer” and “Truancy Officers”, respectively.

20 **Section 8. Judiciary of Guam to Provide Resources to Truancy Officers.**
21 The Unified Judiciary of Guam shall annually provide such uniforms and
22 equipment to deputy marshals serving as Truancy Officers of the Department of
23 Education necessary for them to fulfill their duties and responsibilities as law
24 enforcement personnel.

25 **Section 9. Effective Date.** This Act shall take effect upon enactment. The
26 pay adjustment authorized by §4 of this Act shall be applied prospectively upon
27 enactment.

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 40-33 (COR)

As substituted by the Committee
on Guam U.S. Military Relocation,
Public Safety and Judiciary

Introduced by:

FRANK B. AGUON, JR.

AN ACT TO AMEND §§8107 AND 8108 OF CHAPTER 8, TITLE 7, §5103(d) OF CHAPTER 5, AND §6403 OF ARTICLE 4, CHAPTER 6, TITLE 17, ALL OF THE GUAM CODE ANNOTATED; AND TO ADD A NEW §55102(h) OF CHAPTER 55, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PROPERLY CLASSIFYING LAW ENFORCEMENT PERSONNEL OF THE GOVERNMENT OF GUAM BY RENAMING “ATTENDANCE OFFICERS” AS “TRUANCY OFFICERS” TO REFLECT THE PRACTICE THROUGHOUT THE UNITED STATES; TO CLASSIFYING TRUANCY OFFICERS APPOINTED AS SPECIAL DEPUTY MARSHALS AS LAW ENFORCEMENT PERSONNEL.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Public Law 14-55 first authorized the appointment of Attendance Officers.
4 Attendance Officers are authorized to “take into custody during school hours,
5 without warrant, any truant found away from the truant’s home and who has
6 been reported truant.” Attendance Officers are appointed by the Unified Judiciary
7 of Guam as Special Deputy Marshals under §8107(a) of Chapter 8, Title 7, Guam
8 Code Annotated. Under that same subsection, Attendance Officers are provided
9 law enforcement training under the Unified Judiciary of Guam.

1 The Attendance Officers are employed to enforce Guam’s laws on truancy,
2 but are *not* treated as law enforcement personnel under Public Law 29-105.

3 It is, therefore, the intent of *I Liheslaturan Guåhan* that Attendance Officers
4 be renamed as “Truancy Officers” to reflect the practice throughout the United
5 States and to include them under the public safety and law enforcement personnel
6 pay adjustment if they are appointed as Special Deputy Marshals of the Guam
7 Judiciary, by amending §§ 8107 and 8108 of Chapter 8, Title 7, and Subsection (d)
8 of §5103, Chapter 5, and § 6403, of Article 4, Chapter 6, Title 17, Guam Code
9 Annotated, and by adding a new Subsection (h) to §55102 of Chapter 55, Title 10,
10 Guam Code Annotated.

11 **Section 2. Marshal; Appointment of Special Deputies.** §8107 of Chapter
12 8, Title 7, Guam Code Annotated, is hereby *amended*, to read:

13 **“§ 8107. Marshal; Appointment of Special Deputies.**

14 The Chief Justice, at the request of the Marshal of the Court,
15 may appoint employees of the Department of Law, the Department of
16 Revenue & Taxation of the government of Guam, and the Truancy
17 ~~School Attendance~~ Officers of the Department of Education as
18 Special Deputy Marshals of the Guam Judiciary. Such appointments
19 *shall* be for as long as such employees remain in their employment
20 with their respective departments, unless sooner revoked by the Chief
21 Justice, whichever is earlier.

22 (a) The Truancy ~~School Attendance~~ Officers of the Department
23 of Education *shall* complete a training program developed and
24 adopted by the Judicial Council, that is pertinent to their appointment,
25 prior to such appointment as Special Deputy Marshals of the Guam
26 Judiciary.”

1 **Section 3. Special Deputy Marshal; Duties, Compensation.** §8108 of
2 Chapter 8, Title 7, Guam Code Annotated, is hereby *amended*, to read:

3 **“§ 8108. Special Deputy Marshal; Duties, Compensation.**

4 (a) The employees of the Department of Law who are appointed
5 as deputies under §8107 of this Chapter *shall* exercise their office *only*
6 in cases wherein the government of Guam is a party. The employees
7 of the Department of Revenue and Taxation who are appointed as
8 deputies under said §8107 *shall* exercise their office *only* in matters
9 concerning the income tax laws and other tax and revenue laws of
10 Guam. The ~~Truancy School Attendance~~ Officers of the Department of
11 Education under §8107 *shall* exercise their office only in matters
12 concerning truancy proceedings of the Superior Court of Guam. *No*
13 deputies under said §8107 *shall* be entitled to compensation in
14 addition to the compensation they are receiving as employees of the
15 government of Guam.”

16 **Section 4. Public Safety and Law Enforcement Compensation Review.**

17 A new Subsection (h) is hereby *added* to §55102, Article 1, Chapter 55, Title 10,
18 Guam Code Annotated, to read:

19 “(h) Truancy Officers of the Guam Department of Education
20 *shall* be included in the law enforcement compensation adjustment
21 mandated by this section, provided they are appointed as Special
22 Deputy Marshals of the Unified Judiciary of Guam under §8107 of
23 Chapter 8, Title 7, Guam Code Annotated. Notwithstanding the
24 provision of subsection (e) of this section, the pay adjustment
25 authorized by this subsection (h) *shall* be applied prospectively upon
26 enactment.”

1 **Section 5. Same: Same: Qualifications.** Subsection (d) of §5103, Chapter
2 5, Title 17, Guam Code Annotated, is hereby *amended*, to read:

3 “(d) to act as Truancy school attendance officers; *and*”

4 **Section 6. Truancy Officer.** §6403 of Article 4, Chapter 6, Title 17, Guam
5 Code Annotated, is hereby *amended*, to read:

6 “§ 6403. Truancy Attendance Officer.

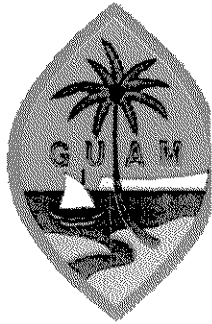
7 The Superintendent *shall* appoint employees of the Department
8 of Education, as Truancy Attendance Officers. The Truancy
9 Attendance Officers, any peace officer, principal, or dean may take
10 into custody during school hours, without warrant, any truant found
11 away from the truant’s home and who has been reported truant. ~~For~~
12 ~~the purposes of Title 10 GCA, Chapter 55, § 55102, Attendance~~
13 ~~Officers are not classified as public safety and law enforcement~~
14 ~~officers.”~~

15 **Section 7. Replacement of Terms.** Any references to “Attendance
16 Officer” or “School Attendance Officer” and “Attendance Officers” or “School
17 Attendance Officers” of the Department of Education, whether occurring in public
18 laws, executive orders, or rules and regulations *shall* be construed to mean
19 “Truancy Officer” and “Truancy Officers,” respectively.

20 **Section 8. Effective Date.** This Act *shall* take effect on October 1, 2015.
21 The pay adjustment authorized by Section 4 of this Act *shall* be applied
22 prospectively upon enactment.

COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature



SENATOR FRANK B. AGUON, JR. CHAIRMAN

Bill No. 40-33 (COR)

An act to amend §§ 8107 and 8108 of Chapter 8, Title 7 GCA, §5103(d) of Chapter 5, Title 17 GCA, and § 6403 of Article 4, Chapter 6, Title 17 GCA, and by adding a new §55102(h) of Chapter 55, Title 10 GCA, relative to properly classify law enforcement personnel of the government of Guam by renaming "Attendance Officers" as "Truancy Officers" to reflect practice throughout the United States and classify such officers as law enforcement under the provisions of Public Law 29-105; and to provide uniforms and equipment to truancy officers.

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
Stephanie Chargualaf	Personal	488-4377			✓	
Benny Chargualaf	GWA	482-7257			✓	
✓ Carla Borja	DOC	735 5173		✓		✓
Norma Quitugua	personal	929-6665			✓	

COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature



SENATOR FRANK B. AGUON, JR. CHAIRMAN

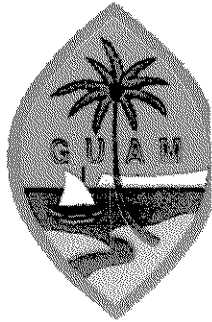
Bill No. 40-33 (COR)

An act to amend §§ 8107 and 8108 of Chapter 8, Title 7 GCA, §5103(d) of Chapter 5, Title 17 GCA, and § 6403 of Article 4, Chapter 6, Title 17 GCA, and by adding a new §55102(h) of Chapter 55, Title 10 GCA, relative to properly classify law enforcement personnel of the government of Guam by renaming "Attendance Officers" as "Truancy Officers" to reflect practice throughout the United States and classify such officers as law enforcement under the provisions of Public Law 29-105; and to provide uniforms and equipment to truancy officers.

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
✓ Alfred T. Garrido		929-2155/777-1858	✓		✓	
John C. Meno		688-5748			✓	
Geraldine Tjalle		482-7770			✓	
Nadine Calvo		797-9464			✓	
Sanna Santos		777-3846			✓	
Vicente Changuel		477-8951			✓	
John San Nicolas		483-3743			✓	

COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature



SENATOR FRANK B. AGUON, JR. CHAIRMAN

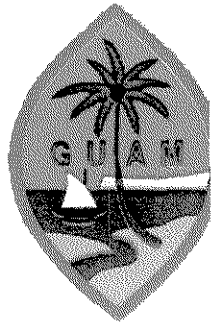
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Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
✓ RAY ABUIGUI		370-1683/24	✓		✓	
✓ Kenneth Clark	Private Citizen		✓	✓	✓	
✓ Lourdes San Nicolas	Private Citizen		✓	✓	✓	

COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature



SENATOR FRANK B. AGUON, JR. CHAIRMAN

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Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
Clarissa Cherguall		488-5614			✓	
Tara Quidaday		828-8379			✓	
Sicet Quidaday		828-8379			✓	
✓ Sherry Sanchez		989-2190			✓	
John A. Sanchez		989-2190			✓	
✓ Devina Garrido	Private Citizen	777-1850			✓	
✓ RONALD CAMACHO		777-3867			✓	

COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature



SENATOR FRANK B. AGUON, JR. CHAIRMAN

Bill No. 40-33 (COR)

An act to amend §§ 8107 and 8108 of Chapter 8, Title 7 GCA, §5103(d) of Chapter 5, Title 17 GCA, and § 6403 of Article 4, Chapter 6, Title 17 GCA, and by adding a new §55102(h) of Chapter 55, Title 10 GCA, relative to properly classify law enforcement personnel of the government of Guam by renaming "Attendance Officers" as "Truancy Officers" to reflect practice throughout the United States and classify such officers as law enforcement under the provisions of Public Law 29-105; and to provide uniforms and equipment to truancy officers.

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
John T. Camacho	Personal	888-3253			✓	
DORIS CAMACHO	Personal	888-8378			✓	
Natasha Garrido	Personal	688-5433			✓	
Marlene Poppe		898-5893			✓	
✓ Eric D. Miller	PDSC	486-9007			✓	

COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature



SENATOR FRANK B. AGUON, JR. CHAIRMAN

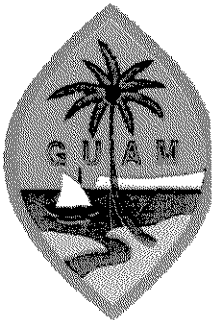
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An act to amend §§ 8107 and 8108 of Chapter 8, Title 7 GCA, §5103(d) of Chapter 5, Title 17 GCA, and § 6403 of Article 4, Chapter 6, Title 17 GCA, and by adding a new §55102(h) of Chapter 55, Title 10 GCA, relative to properly classify law enforcement personnel of the government of Guam by renaming "Attendance Officers" as "Truancy Officers" to reflect practice throughout the United States and classify such officers as law enforcement under the provisions of Public Law 29-105; and to provide uniforms and equipment to truancy officers.

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
<i>Chris Anderson</i>	<i>DOE</i>	<i>300-1621</i>			✓	
<i>Jarice Chargualaf</i>	<i>DOE</i>	<i>789-4716</i>			✓	
<i>Ana Chargualaf</i>	<i>Student</i>	<i>747-4716</i>			✓	
<i>Benny P. Charginlat</i>	<i>GRD</i>	<i>828-4660</i>			✓	
<i>Benny P. Charginlat</i>	<i>PP. [Signature] / GDOE</i>	<i>488-5590</i>			✓	
<i>Ignacia Parcinac</i>		<i>929-0120</i>			✓	
<i>Edward Parcinac</i>		<i>929-6029</i>			✓	

COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature



SENATOR FRANK B. AGUON, JR.
CHAIRMAN

Bill No. ~~██████████~~ 40-33(Cor)

~~██████████ Chapter 58, Title 9, Guam Code Annotated relative to the crime of promoting~~
~~██████████ to the Commonwealth Reform Act of 2015.~~

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
Jovanne Mangiona	Person	486-8100			✓	
Ignacio Guerrero	Personal	686-3175			✓	

Testimony on Bill 40-33

My name is Alfred T. Garrido and I am the Acting School Attendance Officer Supervisor with the Student Support Services Division, Department of Education (DOE) & want to thank you all for allowing me the opportunity to provide this testimony on behalf of all the School Attendance Officers (SAOs) in favor of Bill 40-33.


Let me begin by answering the question you might all be asking yourselves, "Are School Attendance Officers truly Law Enforcement (LE) Personnel?" The answer is without a doubt "**YES!**" SAOs enforce Guam Code Annotated Title 17 (Education) Chapter 6 (Pupils) or more commonly known as the Guam Truancy Laws. The law requires that a child between the ages of five (5) to until they turn 16 years of age to attend school and if the child incurs 12 or more unexcused absences within a school year the SAO is in charge of bringing that matter before the Family Court by a SAO. This statute clearly articulates that we SAOs are solely in charge if enforcing this law hence are law enforcement personnel.

To further clarify our status as LEs, on July 16, 2010, the 30th Guam Legislature enacted PL. 30-167, which appointed all SAOs as Special Deputy Marshals (SDM) and required us to complete a training program which is developed and adopted by the Judicial Council of Guam. That same year we received specialized training conducted by the Deputy Marshals from the Superior Court of Guam AND were sworn in as SDMs by the Honorable Chief Justice Robert J. Torres, Jr. Additionally, in December 2014 Bill 418-32 was passed into law placing all SDMs as Category 2 Peace Officers under Title 27 Chapter 3 Guam Peace Officer Standards and Training Commission Administrative Rules: Category 2 Peace Officers are defined as "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". Significantly, these two (2) statutes collectively recognize and emphasize the importance of the Marshal's functions and duties that the SAOs perform for DOE pursuant to truancy cases that are investigated and processed on a daily basis. These SDM powers allow SAOs to execute many identical job duties and functions that the Court Deputy Marshals and Probation Officers perform in their line of work, in addition to our regular duties and responsibilities. These duties include but are not limited to: the processing, filing, and serving of legal court documents; the representing of DOE on all truancy court cases; the filing of court reports on clients; the monitoring of clients under Court Orders; and executing Apprehension and Detention Orders of truants who are in violation of their Court Orders.


These three statutes altogether establish the SAOs authorities to enforce the truancy laws, allow our appointment as duly sworn Special Deputy Marshals, and also hold us to the EXACT SAME Training and Physical fitness requirements as every other Peace Officer categorized under the POST Commission Law and therefor they incontestably affirm that we are in fact Law Enforcement Personnel.

The question Senators shouldn't be "are we Law Enforcement Personnel?" the real question we should be asking is ...HOW ARE WE NOT?

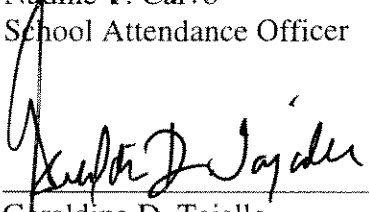
The School Attendance Officers and I HUMBLY seek your support to address this inequity by voting YES on Bill 40-33 and enact it into law.



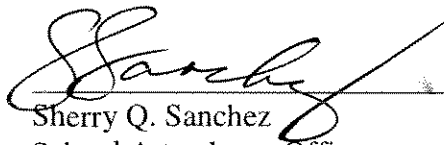
Nadine T. Calvo
School Attendance Officer



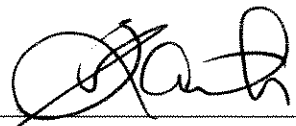
Frances R. Arriola
School Attendance Officer




Geraldine D. Tajalle
School Attendance Officer



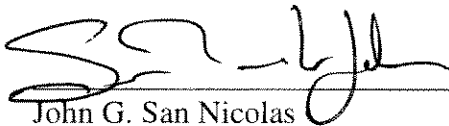
Sherry Q. Sanchez
School Attendance Officer



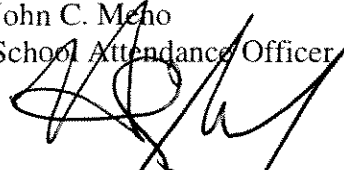
Sauna Santos
School Attendance Officer




John C. Meho
School Attendance Officer




John G. San Nicolas
School Attendance Officer



Vicente G. Charguaf
School Attendance Officer



Ryan M. Aguiqui
School Attendance Officer



Alfred T. Garrido
Acting School Attendance Officer Supervisor

ATTACHMENTS:

-Bill 418-32


-Blank Packet of Court Documents prepared and utilized by SAOs

-Training Certificates from Deputy Marshals of JOG

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

Bill No. 418 -32 (COR)

Introduced by:

Benjamin J. 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.**

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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.

1 **GUAM DEPARTMENT OF EDUCATION**
2 P.O. Box DE
3 Hagåtña, Guam 96910
4 Telephone (671) 300-1624

5
6
7
8 **IN THE SUPERIOR COURT OF GUAM**

9 IN THE INTEREST OF

Case No. _____

10
11 **PETITION FOR COURT TO ACT
12 REGARDING TRUANCY**

13 Minor.

14 _____
15 Petitioner, the Guam Department of Education ("GDOE"), by and through its Administrator of
16 Student Support Services, upon information and belief hereby advises the Court as follows:

17 1. The court has jurisdiction over this matter pursuant to 19 GCA §5103(a)(5).

18 2. _____ is currently registered as a _____ grade student
19 at _____.

20 3. _____ is believed to have been born on _____
21 and to currently be _____ years old.

22 4. _____ has been absent during the present school year,
23 without excuse, for _____ days, as evidenced by the attached GDOE Student Attendance
24 Referral Form.

25 5. Based on this number of absences, the minor is a habitual truant as defined in
26 17 GCA §6402.

27 6. The last known parent or guardian of the minor is
28 _____.

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7. The last known address of the minor is

_____.

Based on this information, Petitioner requests the Court to exercise jurisdiction over this matter and to take such further action as may be necessary in the best interests of the minor.

I am the authorized representative of the Petitioner in the above-entitled action and I have read the foregoing Petition for Court to Act Regarding Truancy and know the contents thereof. The same is true of my own knowledge except as to those matters which are therein alleged upon information and belief, and, as to those matters, I believe them to be true.

Dated this _____ day of _____, _____.

GUAM DEPARTMENT OF EDUCATION

By: _____

Christopher J. Anderson
Administrator, Student Support Services

DEPARTMENT OF EDUCATION
STUDENT SUPPORT SERVICES
P.O. BOX DE Hagåtña, Guam 96932 Tel. (671) 300-1623 / 24 Fax: (671) 472-7888

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM)
)
In the interest of)
)
)
)
)
)
 A MINOR)

JUVENILE PROCEEDINGS

J.P. CASE NO.: _____
(DOE)

S U M M O N S

To: _____ the parents of the above-named minor.

You are hereby summoned/required to appear before this Court and to bring with you the above-named Minor, on _____, at _____: _____ a.m. /p.m. at the Superior Court of Guam Building in Agana, Guam

The attached Affidavit states that your child is habitually truant from school. If you and the minor fail to appear, you may be held in contempt of court and a warrant may be issued for you and the minor.

CLERK OF COURT

BY: _____
DEPUTY CLERK
Superior Court of Guam

IN THE SUPERIOR COURT OF GUAM

In the interest of

JUVENILE PROCEEDINGS

J.P. CASE NO.: _____
(DOE)

**AFFIDAVIT OF SERVICE
And NON-SERVICE**

_____ a minor

I hereby certify that on the _____ day of _____ 20____, I served the Summons for
Hearing for the Juvenile Proceedings Case No.: _____
to _____ the parent(s)/guardian(s) of minor.

At _____

I declare under penalty of perjury under the laws of Guam (GCA 4308) that the foregoing is true and
correct.

Executed: _____

By: _____

**ATTENDANCE OFFICER
AUTHORIZED PROCESS SERVER**

NON – SERVICE

I hereby certify and return that on the _____ day of _____ 20____, I attempted to
make Service of the attached summons for hearing to _____
the Parent(s)/ guardian(s) of minor _____
such attempt was Unsuccessful due to _____

By: : _____

**ATTENDANCE OFFICER
AUTHORIZED PROCESS SERVER**

IN THE SUPERIOR COURT
OF GUAM

In the interest of:

) JUVENILE PROCEEDING
)
) J.P. CASE NO. _____
) (DOE)
)
)

**ORDER FOR SEARCH
APPREHENSION AND
DETENTION OF MINOR**

DOB: _____ MINOR _____)

To: Youth Bureau, Guam Police Department
Department of Youth Affairs, Government of Guam

1. **YOUTH BUREAU (G.P.D.)** is directed to search for, apprehend and detain at the Department of Youth Affairs the following minor(s):

2. REASON: Please refer to attached reports as indicated below:

- Department of Youth Affairs
- Juvenile Probation Office
- Sanctuary
- Minor's Parent(s) Guardian(s)
- DPHSS Child Welfare Services
- Department of Education

3. **THE DEPARTMENT OF YOUTH AFFAIRS** is directed, upon detention of this minor, to bring said minor to this Court within 48 hours following his/her detention.

4. Immediately upon such apprehension and/or detention, the Youth Bureau (G.P.D) and the Department of Youth Affairs are directed to furnish written report(s) therefore to the Attorney General and to this Court, Juvenile Probation Office.

SO ORDERED THIS _____ DAY OF _____, 20 _____

JUDGE, of Superior Court of Guam

Attorney General: _____	Juvenile Probation: _____
G.P.D. Youth Bureau: _____	Minor's Counsel: _____
Sanctuary DPHSS: _____	Dept. Youth Affairs: _____

DEPARTMENT OF EDUCATION
STUDENT SUPPORT SERVICES
P.O. BOX DE, HAGATNA, GUAM 96932 Tel.: (671) 300-1623 /24 Fax: (671) 472-7888

TO: JUDGE LINDA L. INGLES

RE: _____

J.P. CASE NO. _____

(DOE)

AFFIDAVIT

That your affiant being duly sworn deposes and says:

That I am charged with the responsibility of monitoring court order;

That _____, a minor was in violation of Court Order dated:

That on, _____, minor, _____

Therefore, it is hereby requested that minor be held in violation of his/her court order.

I declare under penalty of perjury under the laws of Guam (6 GCA 4308) that the foregoing is true and Correct.

Executed on this _____ day of _____ 20 _____

ATTENDANCE OFFICER

IN THE SUPERIOR COURT
OF GUAM

In the Interest of:

JUVENILE PROCEEDING

J.P. CASE NO. _____
(DOE)

PETITION OF VIOLATION

DOB: _____ MINOR

To: The Judge, Superior Court of Guam

The undersigned petitioner, a duly appointed Attendance Officer respectfully alleges:

That _____ was born on _____ and
resides at _____ with his/her
parent(s) guardian(s). _____

That on _____ minor was placed on contract until the end of School Year
2014 – 2015 with the following conditions:

Minor shall obey all laws of Guam and instructions and rules prescribed by his/her school and
parent(s) or guardian(s).

Minor is placed on contract for SY 2014 - 2015

Minor placed on curfew: Sunday through Thursday _____ p.m. to _____ a.m.

Friday through Saturday _____ p.m. to _____ a.m.

That petitioner is informed and believes and therefore alleges that said minor child above
referenced to, is a child coming under Chapter 5, 19 Guam Code annotated Section 5107
and 5103 (a) (4) by reason of the following facts:

VIOLATION OF COURT ORDER CITED:

PETITION FOR VIOLATION
OF COURT ORDER

RE: _____

J.P. CASE NO: _____

(DOE)

PAGE 2

WHEREFORE, petitioner prays that the Court require the minor, his/her parent(s) or guardian(s), and his/her counsel to appear and answer the foregoing allegation(s) at the hearing which has been set by the Court for _____ at _____.

I declare under penalty of perjury under the law of Guam (6 GCA 4308) that the foregoing is true and Correct.

Honorable, Judge Linda Ingles

ATTENDANCE OFFICER

IN THE SUPERIOR COURT OF GUAM

In the interest of

JUVENILE PROCEEDINGS

J.P. CASE NO.: _____
(DOE)

**AFFIDAVIT OF SERVICE
and NON-SERVICE**

minor

I hereby certify that on the _____ day of _____ 20____, I served the Petition of Violation Hearing for the Juvenile Proceedings Case No.: _____ to _____ the parent(s)/guardian(s) of minor at _____.

I declare under penalty of perjury under the laws of Guam (GCA 4308) that the foregoing is true and correct.

Executed: _____

By: _____
**ATTENDANCE OFFICER
AUTHORIZED PROCESS SERVER**

NON - SERVICE

I hereby certify and return that on the ___ day of _____ 20____, I attempted to serve the attached Petition of Violation Hearing to _____ the parent(s)/ guardian(s) of minor _____ such attempt was unsuccessful due to _____.

By: _____

**ATTENDANCE OFFICER
AUTHORIZED PROCESS SERVER**

**GOVERNMENT OF GUAM
DEPARTMENT OF EDUCATION**

IN THE SUPERIOR COURT
OF GUAM

NOTICE OF HEARING

CAPTION:) **Juvenile Case No.:** _____
) _____
) _____
) **Before the Honorable:**
) [] Presiding Judge Alberto C. Lamorena II
) [] Judge Michael J. Bordallo
) [] Judge Anita A. Sukola
) [X] **Judge Linda L. Ingles**

TO:

You are hereby notified that the above-captioned
Case is scheduled before this court

TIME **DATE** **PURPOSE OF HEARING**

Remarks: (Please see attached Office Discipline Referral Form.)

RECEIVED FOR SERVICE:

By: _____

Date: _____

Time: _____ a.m./p.m.

By: _____

**ATTENDANCE OFFICER
DEPARTMENT OF EDUCATION**

1 **GUAM DEPARTMENT OF EDUCATION**
2 P.O. Box DE
3 Hagåtña, Guam 96910
4 Telephone (671) 300-1624

5 **IN THE SUPERIOR COURT OF GUAM**

6 IN THE INTEREST OF

Case No. _____

7 **MOTION AND ORDER TO DISMISS**

8 Minor.
9
10

11 Petitioner, the Guam Department of Education, by and through its Administrator of Student
12 Support Services hereby moves the Court to dismiss this matter for the following reasons:

13 The Minor has moved off-island.

14 The Minor is over sixteen (16) years of age and no longer legally required to attend school.

15 The Minor is no longer registered as a student of the Guam Department of Education, and
16 is believed to be attending another educational institution.

17 The Minor has regularly attended school or has completed all requirements of his or her
18 Attendance Monitoring Contract.

19 Other: _____

20 Dated this _____ day of _____, 2014.

21 **GUAM DEPARTMENT OF EDUCATION**

22 By: _____

23 **Christopher J. Anderson**
24 **Administrator, Student Support Services**

25 **MOTION GRANTED. THIS CASE IS ORDERED DISMISSED.**

26
27 _____
28 **Judge, Superior Court of Guam**

DEPARTMENT OF EDUCATION
STUDENT SUPPORT SERVICES

P.O. BOX DE, HAGATNA GUAM 96932 Tel. (671) 300-16223 / 24 Fax (671) 472-7888

IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM

JUVENILE PROCEEDING

in the interest of)
)
)
)
)
)
)
)
)

J.P. CASE NO.: _____
(GDOE)

ORDER TO SHOW CAUSE

_____)
A MINOR)

To: _____

YOU ARE HEREBY ORDERED AND DIRECTED TO APPEAR
before this court on _____ at _____ (a.m./p.m.), to show cause
why you should not be held in contempt of court for failure to appear before this court on
_____.

SO ORDERED, this _____ day of _____, 2014.

LINDA L. INGLES
Judge Pro Tem
Superior Court of Guam

Received by: _____

Date: _____

Time: _____

Certificate of Completion

That is to certify that

ALFRED T. GARRIDO

has completed

40 Hours of Tactical Tracking Operation Level 1.

JULY 29 - AUGUST 2, 2013

EDWARD S. TOVES
Marshal of the Courts



José Ferrajé
JOSE FERRAJÉ
Instructor

Vincent C. Naputi
VINCENT C. NAPUTI
Instructor

Certificate of Completion

This is to certify that

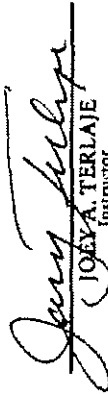
ALFRED GARRIDO

has completed
40 hours on Basic Officer Survival Training.

AUGUST 19-23, 2013



EDWARD S. TOVES
Marshal of the Courts



JOEY TERLAJE
Instructor



VINCE M.C. NAPUTI
Instructor



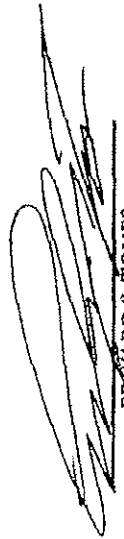
Certificate of Completion

This is to certify that

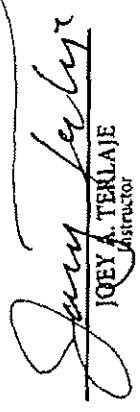
ALFRED GARRIDO

has completed
8 hours for Monadnock Expandable Baton Training.

AUGUST 21, 2013



EDWARD S. TOVES
Marshal of the Courts



JOEY A. TEALATE
Instructor



VINCE M.C. NAPUTI
Instructor



Certificate of Completion

This is to certify that

ALFRED GARRIDO

has completed
8 hours for Oleoresin Capsicum Aerosol Training.

AUGUST 22, 2013



EDWARD S. TOVES
Marshal of the Courts



JOEY A. TERLAJE
Instructor



VINCE MIC. NAPUTI
Instructor



Certificate of Completion

This is to certify that

ALFRED GARRIDO

has completed

40 Hours of Tactical Tracking Operation Level-1.

July 29 to August 2, 2013



EDWARD S. TOVES
Marshal of the Courts



JOEY A. TERLAJE
Instructor



VINCE M.C. NAPUTI
Instructor



TRAINING AND STAFF DEVELOPMENT SECTION

Certificate of Completion

This is to certify that

Alfred T. Garrido

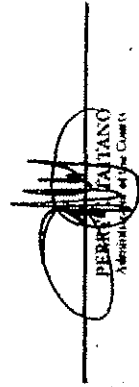
has completed

8 Hours for High-Risk Response Training
(Administrative Response to Active Shooter incident)

January 11, 2012



E. PHILIP CARBULLIDO
Chief, Training & Support Center of Guam



PERRY A. TANG
Administrative Center



EDWARD S. TOVES
Marshal of the Courts



VICENTE M. NAPUTI
Instructor





DEPARTMENT OF EDUCATION
Certificate of Completion



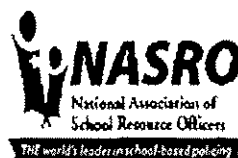
is hereby awarded to:


Alfred T. Garrido

School Attendance Officer

for successfully auditing 24 hours of the
Advance School Resource Officer Course
August 7-9, 2013; Judiciary of Guam


CHRISTOPHER M. ANDERSON
Student Support Services Division




LON C. FERNANDEZ
Superintendent of Education

Madame Speaker, Mr. Chair, and members of the 33rd Guam Legislature:

Buenas yan Hafa Adai! I am Kenneth P. Chargualaf, a retired educator for the Guam Department of Education for over three decades. I am here before you this afternoon to provide testimony in support of Bill **No. 40-33**.

First, I wish to thank the members of this august body for allowing me and this opportunity to testify on this very important piece of proposed legislation, which greatly affects the GDOE school attendance officers who also holds the title as Special Deputy Marshals, pursuant to law. After reviewing the bill, I am elated to be here this afternoon to share my personal experience as a former school and district level administrator in describing what I have observed in their professional execution of their formal roles on our public school campuses throughout the district.

While I did not have direct supervision nor manage their day to day work activities and functions, I had the occasion to work and observe this group of professional GDOE personnel during my career as an educator. Therefore, I feel competent to provide a snapshot of their work duties and responsibilities.

17 GCA Chapter 51 §51101(b) states in part, "...the Chief Marshal and all Marshals (DM) and the Chief of Probation and all Probation Officers (PO) of the Unified Guam Judiciary..." are Peace Officers by statute. Pursuant to 7 GCA Chapter 8, §8107(a), School Attendance Officers (SAO) are classified as Special Deputy Marshals and Peace Officers. In reviewing and cross-analyzing the standards of all three peace officer positions, the job standards and expectations of the SAOs/SDMs, POs, and DMs are comparable if not equivalent in their formal and official

role as peace officers. Exhibit A, Cross Analysis of SAO, DM, and PO Duties, is provided for your review and information.

In addition, all three positions maintain and continue to update their professional awareness relative to federal and local statutes, policies, standard operating procedures, and administrative regulations. As Special Deputy Marshals, and pursuant to 7 GCA Chapter 8 §8107(a) "The SAOs of the Department of Education shall complete a training program developed and adopted by the Judicial Council, that is pertinent to their appointment, prior to such appointment as Special Deputy Marshals of the Guam Judiciary." SAOs are also required to go through the same tactical training and certifications as DMs and POs, including Tactical Tracking Operation, Basic Officer Survival Training, Expandable Baton Training, Oleoresin Capsicum Aerosol Training (pepper spray), and High Risk Response Training (shooter on campus). The only difference is that SAOs are not required by statute to undergo firearms training.

I have personally experienced through my years of school leadership to which these fine men and women who give their all to enforce laws applicable to education and preserve the peace for a safe learning environment for our public school students. Most recently in late November 2014 at one of the public high schools, I personally observed POs, Homeland Security, and SAOs/SDM interacting and coordinating the best possible tactical positions and procedures to provide the optimal safe learning environment for the students.

In closing, I just shared with you a quick snapshot of the duties and roles of the SAOs/SDMs as they compare to POs and DMs.

Thank You and Si Yu'os Ma'ase!



Kenneth P. Chargualaf

Law Enforcement	SAO	Probation Officer	Deputy Marshal
Comparable Task 1	Maintains a professional awareness of regulations regarding child welfare and attendance by having a working knowledge of Guam laws, Board Policies and administrative regulations.	Adheres to and complies with all promulgated policies, standards and codes of ethical conduct	Undergo on-the-job training on marshal services to include orientation on SOP, rules, regulations, and administrative policies pertinent to investigation, surveillance, detection, communications equipment and court security
Comparable Task 2	Receives Habitual Truancy Referral form from Principal or Designee and validates if the student is in violation of Guam Truancy Law.	Conducts investigations and submits finding and recommendation to the court with regard to client's pre-release, pre-sentence, post-sentence, pre-release, pre-trial, and bond supervision functions.	
✓ Comparable Task 3	Reviews referrals and conducts field investigations to potentially unsafe remote locations for families who are at risk and submits findings and recommendations to the court.	Reviews case assignment of less complex cases and conducts field investigation involving inquiries in to the nature of the reported offense	
Comparable Task 4	Interviews parents, students, teachers, administrators, counselors, etc.; gathers pertinent information regarding the Habitual Truancy Referral	Interviews clients about the charge(s) against him/her; gathers pertinent data regarding employment, financial, marital, school and living conditions	
Comparable Task 5	Gathers information from home visits that will be useful in determining how best to meet the needs of the student and family relative to improving attendance and making the school experience more meaningful.	Observes and reports to the court the life-style, personal problems and needs of (alleged) offenders that become apparent during home visits or contacts with the (alleged) offender, family, or employer	
✓✓ Comparable Task 6	Initiate legal proceedings to enforce truancy laws by preparing and submitting all court documents for filing in court to include: Petition for Habitual Truancy, Truancy Report, Summons and Affidavit of Service/Non-Service	Prepares and submits dispositional reports, pre-sentence investigation reports, and other reports as required by the court	Prepares reports of service and non-service documents as ordered by the courts; presents information at hearings when required
Comparable Task 7	Represents the Department of Education in court regarding all truancy matters and presents information and makes recommendations relevant to the student	Attends and presents information and makes recommendation to the court at hearings relative to rendering probation services	

Comparable Task 8	Implements case management services through individual counseling, monitoring student and family progress, and making referrals to other professional staff members or community resource agencies as needed	Confers with other officials and authorities involved in the case; locates available community resources that can be used in fulfilling conditions of probation and treatment plans for clients	
✓ Comparable Task 9	Performs enforcement and execution of court orders, Summons, Notice of Hearing, Order to Show Cause, Search Apprehension and Detention Orders, Petitions of Violation and other documents to all parties involved as required by the court		Enforcement and execution of court orders and service documents less critical such as jury summonses, civil writs of habeas corpus, notice, and special proceedings
✓ Comparable Task 10	Monitors adjudicated students' attendance, academics, and behavior to ensure compliance of court order	<p>Conducts field supervision to juvenile and/or adult clients under the probation caseload and also those received as referrals but are not placed on probation</p> <p>Supervises a case load of offenders requiring frequent contacts by telephone, office visits, or visits in the field</p> <p>Makes periodic visits to places of employment and other sites in the community to verify attendance and program compliance</p>	
✓✓ Comparable Task 11	Maintains accurate and ongoing reports on the progress of clients and prepares the required casework documentation	Maintains accurate and ongoing reports on the progress of client and prepares the necessary legal documentation	
✓✓ Comparable Task 12	Provides any and/or all information regarding individuals under supervision who have violated conditions of their court orders through the filing of a Petition of Violation	Provides any and/or all information regarding individuals under supervision who have violated or are in danger of violating the conditions of their community release	
Comparable Task 13	Enforces and executes Orders for Search, Apprehension, and Detention of minor, transports and releases to the custody of the Department of Youth Affairs		Performs routine prisoner handling while awaiting court hearings; escorts prisoners to courtrooms and to holding cells as directed
Comparable Task 14	Serves as a liaison between assigned schools and such agencies as social services, court services, the police department, and other public and private agencies regarding student truancy	Assists in an interagency role to expedite investigations or resolve issues of mutual concern.	

Comparable Task 15	Attend meetings with various entities to include public and private agencies and organizations to ensure services are being provided as ordered by the court	Confers with other officials and authorities involved in the case; locates available community resources that can be used in fulfilling conditions of probation and treatment plans for clients (repeat).	
Comparable Task 16	Provides and conducts outreach services to truants and their families and the public during and after school hours in the community regarding programs, truancy laws, services, etc.		
Comparable Task 17	Appears personally at school assemblies, and is available to administrators, teachers, students, and parents on an individual basis; prepares and conducts training to explain attendance laws and policies and to encourage faithful attendance	Assists in the development of community resources to meet the special needs of offenders. Provides assistance in the development and implementation of preventive programs within the school system and the community	
Comparable Task 18	Conducts spot checks at known truant student meeting areas		

Necessary qualifications and certifications		Possession of a valid firearm's Identification card	Possession of a valid firearm's permit
			Possession of a valid chauffeur's license
		Passing of the Physical Agility Test	Successful completion and passing of the written and physical agility examinations
		Possession of a valid motor vehicle operator's license	

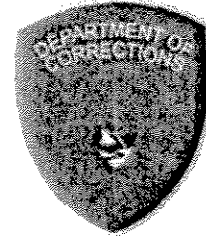


EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

DEPARTMENT OF CORRECTIONS
DEPARTAMENTON MANGNGURIHI
GOVERNMENT OF GUAM

P.O. Box 3236
HAGATNA, GUAM 96932
TEL# 735-5170 / 5176
FAX# 734-4490



JOSE A. SAN AGUSTIN
DIRECTOR

CARLEEN G. BORJA
DEPUTY DIRECTOR

Senator Frank B. Aguon, Jr.
Chairman for Committee on Guam U.S. Military Relocation, Public Safety & Judiciary
Suite 501 DNA Building
238 Archbishop Flores Street
Hagatna, Guam 96910

Hafa Adai Chairman,

I am Carla Borja, Deputy Director of the Department of Corrections. Although I was recently appointed to this position, I have served the island of Guam and Hawaii in a law enforcement capacity for approximately 20 years. I will be providing testimony in opposition to Bill 40-33 (COR).

The **Guam Department of Corrections (DOC)** is mission driven to protect the public from the destructive behaviors of law offenders through confinement, punishment and rehabilitation. Today, on a daily average, DOC oversees the care and custody of approximately 750 plus adult inmates and detainees some of which are convicted or detained for offenses to include murder, rape, aggravated assault and family violence.

The **minimum** qualifications for corrections officers at DOC includes: a high school graduate or its equivalent with the understanding that the Peace Officer Standards and Training Commission (POST) may set a higher academic qualification for applicants as they consider necessary, have no criminal felony convictions or convictions of moral turpitude or crimes of domestic or family violence, drug screening, psychological and polygraph testing, physical agility test, written examination and a background investigation. After being vetted and selected, the applicant must still undergo and satisfactorily complete three months of rigorous training prior to beginning on hands employment with DOC which includes physical training, self defense and defensive tactics, handcuffing, firearms, and introduction to corrections. **Corrections Officers** are deemed category 1 law enforcement officers under the Peace Officer Standards and Training Commission Administrative Rules, and as such are held to certain mandated physical standards in order to maintain a law enforcement status. Without a POST certification, corrections officers cannot function as law enforcement officers.

Truancy is any intentional unauthorized absence from compulsory education. On Guam, it is mandated that a school age child attend school until the age of 16. According to the Guam Department of Education, a **School Attendance Officer** is tasked with overseeing school attendance and reporting any truancy matters for disposition. To be a school attendance officer requires a minimum of two years experience working with youth, a high school diploma and a valid driver's license, or any equivalent thereof. No mandatory training or law enforcement vetting is required for this position prior to being selected.

When you look to compare the two types of employment to include qualification and training of school attendance officers and corrections officers, how do you equate the qualifications and prerequisites of employment as well as the work that is performed? Notwithstanding the excellent work conducted by school attendance officers in the performance of their duties in assuring that our island youth attend school in order to afford them the basic foundation for a better future, the qualification and work does not equate.

Corrections officers put their lives on the line every day overseeing some of Guam's worst **adult** criminals placed in our antiquated and overcrowded facility because they cannot follow the laws of the Territory. Our officers interact with these offenders daily, both with and without the bars that confine them. But for the training that is provided to our officers before they can be considered law enforcement and the commitment they have all day everyday to public safety and our mission at the Department of Corrections, they get through the day safely in our facility in eight hour shifts, and sometimes longer.

Bill 40-33 (COR) seeks to reclassify school attendance officers as truancy officers and as such deem them law enforcement officers to be included under the public safety and law enforcement pay adjustment. Being a former juvenile probation officer, I understand the dangers that can accompany a pick up order for a juvenile. But as a juvenile probation officer, I was educated and trained to deal with all aspects of juvenile offenses and situations in the juvenile justice system, not just truancy.

Should school attendance officers desire to be considered law enforcement officers, it should not simply occur with the stroke of a pen. First, their scope of work should encompass more duties and responsibilities in upholding Guam law rather than status offenses or policies. Secondly, for their safety, they should be required, at minimum, a higher education or mandatory training prior to assuming their duties. They should be vetted as law enforcement officers before they are hired and held to the same standard as all law enforcement officers, as with the Department of Corrections, the Guam Police Department and the Guam Fire Department. Simply changing their status to law enforcement officers in order to afford them a law enforcement pay adjustment and other benefits shows a great disservice to all current law enforcement officers who either obtained a higher level of education or completed an academy of training in order to uphold the laws of Guam and proudly serve and protect its people.

Respectfully



Carla Borja
Deputy Director
Department of Corrections

March 11, 2015

Testimony on Bill 40-33

My name is Lourdes San Nicolas a former school principal with the Guam Department of Education. I appear before this body in support of Bill 40-33. Renaming the title of Attendance Officers to Truancy Officers, appointing them as Special Deputy Marshalls and including them under the Public Safety Law Enforcement Pay Adjustment is commendable of this legislative body. I applaud the initiative to make this a reality for our dedicated and hardworking Attendance Officers.

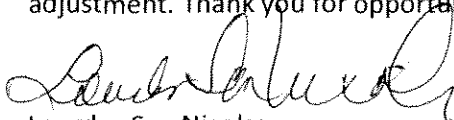
I speak from my experiences having had the opportunity to work with various Attendance Officers from various schools having been transferred from time to time. I am not sure if it is pure luck or just as a result of my utmost desire to collaborate and work closely with them. I their role as an extension of the school administration. We all had a goal in common: that is to ensure that the students successfully graduate from high school and not have them become a part of the dropout statistic.

I have witnessed the Attendance Officers go into the jungles to find truant students. They obviously were taking a high risk not knowing who could be there or if they would come out of the jungles safe and sound. This took a lot of courage, determination, and perseverance. But they took the risk to ensure that the students return to school and fulfill the expectations.

I have also witnessed their ability to counsel both students and parents as they prepare the referral to the court. While it may sound as though their role is punitive in nature, they actually took the time to explain the process, what to expect when they appear before the judge, but most importantly what needs to be done to prevent further truancy problems. They have become the partners of families working together for the benefit of the students.

Attendance Officers are very resourceful. In situations where the school administration could not reach the homes due to multiple reasons particularly because families are transient, the Attendance Officers would try to find the families and help us communicate the message that we need to have a conference to discuss academic and behavioral issues. Their assistance to help us reach the parents is invaluable.

I urge this body to pass this bill and at the same time provide the necessary funding for the pay adjustment. Thank you for opportunity to testify in support of this bill.



Lourdes San Nicolas

Testimony on Bill 40-33

My name is Steven Pangelinan and I am a social worker for the Department of Education, under the Parent-Family-Community Outreach Program. I have been with the department for 18 years and would like to offer testimony in support of Bill 40-33.

In my years as a social worker, I have worked alongside several School Attendance Officers in different capacities, and am pleased to witness their slow progression to being recognized as full officers of the law. In my humble opinion, School Attendance Officers as they function today offer a wide range of services to the department in regards to helping children and parents become educated about the law in regards to student attendance. In addition, they still function as enforcers of the law if students become truant. So, not only do they enforce the law, but they provide prevention and intervention services as well. I have witnessed them do presentations to parents and students as a form of prevention. I have witnessed them conduct investigations and serve notices to parents to attend court hearings in regards to student attendance. I have spoken to School Attendance Officers and heard of the training that they have undergone with the Judiciary of Guam Marshalls Division in order to hone their skills, and become knowledgeable in using the implements and tools as officers of the law.

In my opinion, having the title "officer" is already a form of recognition of the job that they do. However, being treated the same as any other officer of the law is the greatest form of recognition and affirmation that can be given to these ladies and gentlemen. They are doing the job, they have received the training, so please give them the recognition that is deserved for the fine work that they do for the government, the department and the community.

Respectfully,



Steven Pangelinan

3/10/15

Testimony on Bill 40-33

My name is Doris D. Bukikosa and I am a Project Director for two (2) programs funded under the United States Department of Education (USED) Consolidated Grant Title V-A, with the Department of Education. Thank you for allowing me the opportunity to provide this testimony and more so to thank you for your support and willingness to endorse this measure.

Through my professional experiences, I have had the opportunity to work with the School Attendance Officers (SAOs) in various settings and responsibilities: 1) at the school sites assisting students with preventative measures, ensuring parents understand the judicial process regarding truancy, and initiating student violations of court orders; 2) at the district collaborating on parent workshops or trainings, and participating in community outreach activities; and 3) collaborating with other agencies to ensure students are provided with the necessary supports to remain in school and focus on their education.

The SAOs have been an integral part of the DOE team, no longer focusing strictly on the punitive measures for habitual truants, but are now a required step in the intervention or prevention of students just beginning to accrue unexcused absences. Due to shift in focus, the SAOs have taken on many additional duties to be proactive in preventing habitual truancy.

The SAOs have received specialized training conducted by the Judiciary of Guam Marshalls Division, Guam Homeland Security and off island National Association of School Resources Officers (NASRO) trainers. With this specialized training, the SAOs now utilize these skills to perform their law enforcement duties and responsibilities with great pride, dedication and commitment. They have repeatedly shown their support to assist students' adherence of Guam Laws, support schools in responding or assisting with school safety and providing security during emergency or crisis situations.

Seeing as the SAOs have remained committed to uphold the oath taken when sworn in as Level 2 Law Enforcement Officers and how they continue to provide the assistance and support to students, schools and the community, even as their roles change or expand, I am in full support of Bill 40-33, which allows these officers to receive the just compensation as Law Enforcement Officers. I am hopeful that with your knowledge and understanding of the pressures and expectations placed upon law enforcement officers, you will be able to articulate the importance of this measure to your counterparts and gain the necessary support to pass the proposal.

Respectfully submitted by:



Doris D. Bukikosa

March 10, 2015

March 11, 2015

Testimony in support of Bill No. 40-33

In my experience as a Faculty member of Guam Community College and specifically as the Department Chair of the Criminal Justice and Social Sciences department, I have become familiar with the roles and responsibilities of the various Law Enforcement Officers that are employed with the Government of Guam.

In my opinion this bill will bring clarity to the role that Attendance Officers fill within our Judicial system.

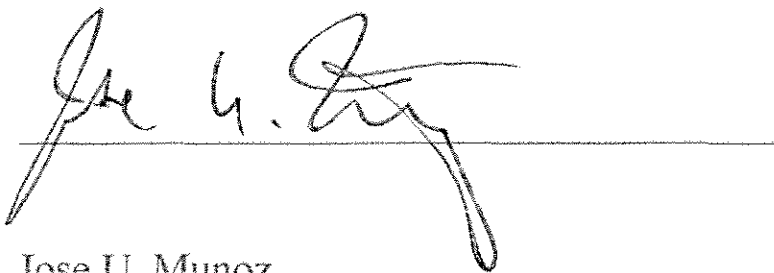
The renaming of the Attendance Officers to Truancy Officers is appropriate and overdue.

I commend the Legislature and this committee in their attempt to improve the system.

I believe this Bill will enhance our attempt to address recidivism and the other challenges our island face.

I support the passage of Bill No. 40-33.

Thank you,

A handwritten signature in black ink, appearing to read "Jose U. Munoz", is written over a horizontal line. The signature is stylized and cursive.

Jose U. Munoz



George Washington High School

298 Washington Drive Mangilao, GU

PO Box 24147 GMF, GU 96921

Phone: 734-2911 - 3



Jon J.P. Fernandez

Lynda Hernandez-Avilla

"Home of the Mighty Gecko Warriors"

Accredited by the Western Association of Schools and Colleges 2012-2018

3/11/2015

I am writing this testimony in support Bill 40-33 on behalf of Mr. Al Garrido, School Attendance Officer for George Washington High School.

School Attendance Officers should be recognized as Official Law Enforcement Officers due to the job duties they perform, the liabilities they face, the demands of their jobs, and the respect they deserve. School Attendance Officers serve as school officials, court officials, social workers, police officers, School Resource Officers, and other professions that I may have failed to mention.

I am speaking from experience as I have interned as a Truant Officer while pursuing my undergraduate degree under the supervision of Miss Mary Pipes (retired).

Throughout that time we were required to subpoena parents, appear in court, apprehend truants, conduct home visits, answer to the judges, administrators, social workers, etc. just to name a few.

Now, School Attendance Officers are required to utilize uniforms, badges, and act accordingly due to the image they have to uphold as law enforcement officers, yet they are not provided the same protection against any liabilities that other law enforcement officers are given.

To date, School Attendance Officers have been called in for reinforcements in our school several times due to the fights that occur. These men and women put their lives on the line on a daily basis never knowing what to expect when they make home visits, pick up truant students, etc. These men and women are entitled to the same protection against liabilities as well as the same amount of respect as any law enforcement officer.

I am humbly seeking your support in recognizing these men and women as Official Law Enforcement Officers due to the scope, depth, and dangers of their duties.

Si Yu'os Ma'ase,

Aggy Maanao Cruz

(Assistant Principal, George Washington High School)

March 11, 2015

Testimony on Bill 40-33

Buenas,

I am Gary E. Camacho, a resident of Barrigada, Guam. I am submitting my testimony in favor of Bill 40-33 for the following reasons:

Briefly, I am D.O.E. retiree and was an Attendance Officer Supervisor for approximately twenty (20) years until I retired in 2009.

During my watch and approximately since 1990, School Attendance Officers were appointed "Special Deputy Marshals" by the Superior Court of Guam and have been performing "Special Deputy Marshal" functions in truancy cases. Their duties included the services of Court Orders, Order to Show Cause, Order of Apprehension, Detention and the processing and dispositions of "violations" as ordered by the courts. In addition, School Attendance Officers are charged with the enforcement of the Truancy Statutes of Guam, which include other law enforcement functions as well.

In reference to the name change to "Truancy Officers", I support the intent of the bill to conform to the standard practices throughout the United States.

In conclusion, School Attendance Officers are professionals and dedicated individuals who enforce the Truancy Laws and are trained in the requirements of the laws. They have been performing the duties and responsibilities of Special Deputy Marshals and law enforcement functions for at least 25 years, it is time they are granted the pay adjustment they so rightfully and fairly deserve. I strongly support the passage of Bill 40-33.

Respectfully Submitted for Record,


Gary E. Camacho

March 11, 2015

Testimony on Bill 40-33

Good Evening, my name is Liza Ann Camacho. I am the Attendance Officer Supervisor of the Department of Education. I supervise ten School Attendance Officer's on a daily basis. I have been a Supervisor for approximately seven years to be exact and a School Attendance Officer for four years.

Over the years, School Attendance Officer's have performed court related and law enforcement functions such as Conducting Investigations, Service of Summons, Apprehension and Detention, Order to Show Cause, Notice of Hearings, etc... They are all fully trained as required by law and sworn in as Special Deputy Marshals. Most significantly, they enforce the Truancy Laws of Guam on a daily basis. Two years ago PL 30-167 was passed that allows School Attendance Officer's to be sworn in as Special Deputy Marshals and most recently PL 418-32 that categorizes Special Deputy Marshal's as Level II on P.O.S.T. Noteworthy of mentioning, prior to the passage of PL 30-167, School Attendance Officer's have been sworn in as Special Deputy Marshals and have been performing Law Enforcement Duties and responsibilities over the years.

The request of an audit has been an ongoing issue for the past 15 years and has produced no significant results. Furthermore, all the required data and information that the department requested for were submitted to GDOE's Personnel Services Division throughout the years.

We cannot continue to prolong compensation that has been long overdue. I strongly believe that with all the law enforcement training and work School Attendance Officer's perform on a daily basis justifies the 40% pay increase they fully deserve. They are all dedicated and committed to enforcing the Truancy Laws and serving the needs of our schools, community and families on a daily basis. They do not deserve to wait another day to receive just compensation they solely are entitled to. As their Supervisor, I strongly support Bill 40-33.

Submitted for Record,



Liza Ann Camacho



Office of Senator Frank B. Aguon, Jr. <admin@frankaguonjr.com>

Fwd: Public Hearing 3-11-2015 | 5:30 p.m. - Pub Public Hearing on Bills No. 40-33

Frank Aguon, Jr. <aguon4guam@gmail.com>
To: William Iglesias <admin@frankaguonjr.com>

Wed, Mar 11, 2015 at 1:40 PM

----- Forwarded message -----

From: "Emily Meno" <emeno@gdoe.net>

Date: Mar 11, 2015 1:09 PM

Subject: Public Hearing 3-11-2015 | 5:30 p.m. - Pub Public Hearing on Bills No. 40-33

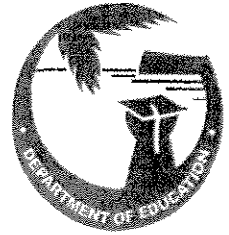
To: <aguon4guam@gmail.com>

I am writing in support of your bill for truant officers. These officers need to have the necessary equipment to support their duties as officers, especially when going on home visits. I have gone with our Truant Officer out in the community and it is a little scary knowing you are going to a home not knowing its situation.

Emily Meno, Okkodo High Assistant Principal



**DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT**



www.gdoe.net
500 Mariner Avenue
Barrigada, Guam 96921
Tel: 300-1547
Email: jonfernandez@gdoe.net

JON J. P. FERNANDEZ
Superintendent of Education

March 10, 2015

Honorable Frank B. Aguon, Jr.
Senator, 33rd Guam Legislature
155 Hesler Place
Hagatna, Guam

Re: Renaming of Attendance Officers

Dear Senator Aguon,

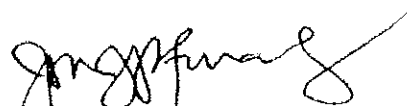
Hafa Adai and *Si Yu'os Ma'ase* for allowing our written testimony regarding the Renaming of of "Attendance Officers" as "Truancy Officers".

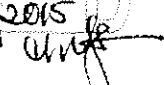
The Department would like the Department of Administration (DOA) Human Resources Division, working with our Human Resources, to review the duties and responsibilities of the School Attendance Officers (SAOs) to determine whether these positions merit the same treatment as other front-line law enforcement personnel in order to justify any adjustment to compensation.

If the findings are favorable to the SAOs, then we would need to be assured that there are sufficient resources to address. I support the SAOs, but to be able to say they should be on the same pay scale as other law enforcement personnel requires more data.

We do not have sufficient information to immediately respond to the bill in favor of or to oppose. In addition, as I understand the 40% that was given to law enforcement was for the purposes of recruitment and retention. We will work collaboratively with DOA to review the SAO's position description which is in progress. As the data is made available we will be able to respond more favorable to the proposal.

Senseramente,


JON J.P. FERNANDEZ

RECEIVED
3/11/2015




Judiciary of Guam

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



ION. ROBERT J. TORRES
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA III
PRESIDING JUDGE

JOSHUA F. TENORIO
ADMINISTRATOR OF THE COURTS

March 09, 2015

The Honorable Frank B. Aguon, Jr.
Chairman
Committee on the Guam U.S. Military Relocation, Public Safety, and Judiciary
Mina' Trentai Tres Na Liheslaturan Guåhan
Ste. 502A DNA Building
Hagåtña, Guam 96910

Re: Bill No. 40-33(COR)

Dear Chairman Aguon:

Thank you for providing the Judiciary of Guam with the opportunity to submit testimony regarding **Bill No. 40-33** An act to amend §§ 8107 and 8108 of Chapter 8, Title 7 GCA, §5103(d) of Chapter 5, Title 17 GCA, and § 6403 of Article 4, Chapter 6, Title 17 GCA, and by adding a new §55102(h) of Chapter 55, Title 10 GCA, relative to properly classify law enforcement personnel of the government of Guam by renaming "Attendance Officers" as "Truancy Officers" to reflect practice throughout the United States and classify such officers as law enforcement under the provisions of Public Law 29-105; and to provide uniforms and equipment to truancy officers. (Sponsor: F.B. Aguon, Jr.)

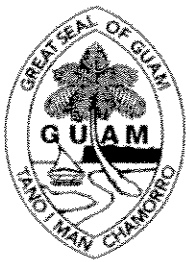
However, the Judiciary of Guam would like to request an extension of ten (10) days to provide comment on Bill No. 40-33. We require additional time to comment on the Bill due to the requirements imposed on the Judiciary.

Thank-you for your consideration.

Sensermante,

ROBERT S. CRUZ
Administrator of the Courts, Acting

Cc: Senator Tina Rose Muna Barnes



GUAM POLICE DEPARTMENT

DIPATTAMENTON POLISIAN GUAHAN

Government of Guam



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Bldg. 13-16A Mariner Avenue, Tiyan
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P.O. Box 23909 Barrigada, Guam 96921
Telephone: (671) 475-8473 (Switchboard); (671) 475-8508 / 8509 / 8512
Fax: (671) 472-4036

FRED E. BORDALLO, JR.
Chief of Police

MAURICE J.Q. SAYAMA, Colonel
Police Commander

March 12, 2015

The Honorable Senator Frank Bias Aguon, Jr.
Chairman, Committee on the Guam U.S. Military
Relocation, Public Safety, and Judiciary
33rd Guam Legislature
Suite 503 DNA Building
238 Archbishop Flores Street
Hågatña, Guam 96910

Subject: **Written Testimony**
Re: **Bill 40-33**

Dear Senator Aguon:

Buenas yan Hafa Adai! The Guam Police Department (GPD) hereby submits this written testimony on Bill No. 40-33 – Relative to Properly Classify Law Enforcement Personnel of the Government of Guam of Guam by Renaming “Attendance Officers” as “Truancy Officers” to Reflect Practice throughout the United States and Classify Such Officers as Law Enforcement under the Provisions of Public Law 29-105; and to Provide Uniforms and Equipment to Truancy Officers.

Although we do support the idea of making sure students attend schools, there are concerns we have at this time relating to the classification of truancy officers as law enforcement officers. The truancy laws are considered non status offenses and not criminal in nature. Also, with the recent enactment of the Peace Officers Standards Training (P.O.S.T.) Commission, it is clearly stated what category of peace officer they would fall under. There are other government employees who also work with truancy, such as Child Protective Services and other school officials. Does this open up the door for them to claim they should also fall under the Peace Officer category and be entitled to the law enforcement pay?

Thank you for providing us the opportunity to comment on this Bill. *Si Yu'os ma'ase!*

Sincerely,

FRED E. BORDALLO, JR.
Chief of Police



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



Eddie Baza Calvo
 Governor

Joey C. San Nicolas
 Fire Chief

Ray Tenorio
 Lt. Governor

March 11, 2015

Frank B. Aguon, Jr.
 Senator, 33rd Guam Legislature
 Chairman, Committee on the Guam U.S. Military Relocation, Public Safety, and Judiciary
 Ste. 503 DNA Bldg
 238 Archbishop Flores St.
 Hagatna, Guam 96910

Hafa Adai Senator Aguon,

Please accept this **Testimony in Opposition to Bill 40-33 (COR)**. Bill 40-33 (COR) seeks to reclassify school attendance officers as Truancy Officers and include in this designation as Peace Officers.

The passing of Bill 40-33 (COR) will result in a gross injustice and devalue to positions of those that truly enforce the laws of the land, keep peace and order in our communities and lay their lives on the line in true service to our people. Police Officers, Firefighters, Corrections Officers and similar positions take an oath to serve, protect and save our island twenty-four hours a day, during community unrest, storms and disasters. The Guam Fire Department serves and protects as mandated through 10 GCA 72 & 73 specifically to enforce all laws relating to the preventing or spreading of fires and all laws pertaining to fire control and fire hazards within the Territory.

Firefighters have taken an oath and are expected to put the lives of others above their own regardless of race, gender or creed. We undergo intense physical and technical training and are required to obtain higher education comparable to an Associate's Degree at entry level. For continuous employment we are required to attain and maintain national certifications in Fire and Emergency Medical Services, Land/Ocean Search and Rescue, All-Hazards Response and Code Enforcement to include Arson/Criminal Investigations.

Firefighters, as all other true Peace Officers, have duties and responsibilities that involve a wide scope of work well beyond the normal business hours of a school day. They are subject to recall when off-duty and have a duty to respond regardless of their current disposition or the time of day. These are why it is important to protect the title of "Peace Officer" and the recognition and benefits that accompany it. They are positions of public faith and trust and should not be designated to just any position in the government or otherwise that may have a minute claim to part or some of the similar duties I listed above.

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 3/19/15

Notwithstanding the important role that School Attendance Officers have in ensuring that adequate education is availed and attended by our island children, their duties and responsibilities pales in comparison to Peace Officers as defined in Guam law and therefore should not be designated as such. If passed, I fear that the trickle effect will result in Peace Officers of higher degree and designation to seek higher compensation than that of a Truancy Officer to appropriately account for their wider scope of work.

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

Saina Ma'ase,



JOEY C. SAN NICOLAS
Fire Chief



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator

Rory J. Respicio

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Member

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Nerissa Bretania Underwood

Member

V. Anthony Ada

MINORITY LEADER

Mary C. Torres

MINORITY 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. 40-33 (COR) – FRANK B. AGUON, JR., "AN ACT TO AMEND §§ 8107 AND 8108 OF CHAPTER 8, TITLE 7 GCA, §5103(d) OF CHAPTER 5, TITLE 17 GCA, AND § 6403 OF ARTICLE 4, CHAPTER 6, TITLE 17 GCA, AND BY ADDING A NEW §55102(h) OF CHAPTER 55, TITLE 10 GCA, RELATIVE TO PROPERLY CLASSIFY LAW ENFORCEMENT PERSONNEL OF THE GOVERNMENT OF GUAM BY RENAMING "ATTENDANCE OFFICERS" AS "TRUANCY OFFICERS" TO REFLECT PRACTICE THROUGHOUT THE UNITED STATES AND CLASSIFY SUCH OFFICERS AS LAW ENFORCEMENT UNDER THE PROVISIONS OF PUBLIC LAW 29-105; AND TO PROVIDE UNIFORMS AND EQUIPMENT TO TRUANCY OFFICERS."**– on February 25, 2015. COR hereby certifies that BBMR confirmed receipt of this request February 25, 2015 at 1:52 P.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 40-33 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

Senator Rory J. Respicio

Chairperson, Committee on Rules

March 17, 2015

Date



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Member

Senator
Nerissa Bretania Underwood
Member

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

February 25, 2015

VIA E-MAIL

joey.calvo@bbmr.guam.gov

Jose S. Calvo
Acting Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 38-33(LS) through 41-33(COR)

Hafa Adai Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Tres 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.

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

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
38-33 (LS)	Michael F.Q. San Nicolas	AN ACT TO MODERNIZE THE BUSINESS ENVIRONMENT BY ADOPTING THE UNIFORM ELECTRONIC TRANSACTIONS ACT (UETA); BY ADDING A NEW CHAPTER 91 TO DIVISION 3, TITLE 18, GUAM CODE ANNOTATED.
39-33 (LS)	Tommy A. Morrison T. R. Muña Barnes	AN ACT TO ADD A NEW ARTICLE 4, §§ 9401-9404, TO CHAPTER 9, DIVISION 1, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO PROMOTING THE GUAM PRODUCT ABROAD THROUGH THE ESTABLISHMENT OF A CULTURAL AND SPORTS AMBASSADORSHIP PROGRAM FUND.
40-33 (COR)	FRANK B. AGUON, JR.	AN ACT TO AMEND §§ 8107 AND 8108 OF CHAPTER 8, TITLE 7 GCA, §5103(d) OF CHAPTER 5, TITLE 17 GCA, AND § 6403 OF ARTICLE 4, CHAPTER 6, TITLE 17 GCA, AND BY ADDING A NEW §55102(h) OF CHAPTER 55, TITLE 10 GCA, RELATIVE TO PROPERLY CLASSIFY LAW ENFORCEMENT PERSONNEL OF THE GOVERNMENT OF GUAM BY RENAMING "ATTENDANCE OFFICERS" AS "TRUANCY OFFICERS" TO REFLECT PRACTICE THROUGHOUT THE UNITED STATES AND CLASSIFY SUCH OFFICERS AS LAW ENFORCEMENT UNDER THE PROVISIONS OF PUBLIC LAW 29-105; AND TO PROVIDE UNIFORMS AND EQUIPMENT TO TRUANCY OFFICERS.
41-33 (COR)	B. J.F. Cruz	AN ACT TO REPEAL AND REENACT CHAPTER 35 OF DIVISION 3, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ADOPTING REVISIONS TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT.



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator

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Member

Senator

Michael F.Q. San Nicolas
Member

Senator

Nerissa Bretania Underwood
Member

V. Anthony Ada

MINORITY LEADER

Mary C. Torres

MINORITY MEMBER

February 24, 2015

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

Subject: **Referral of Bill No. 40-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 40-33(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 Tres Na Liheslaturan Guåhan*.

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

Si Yu'os Ma'åse!

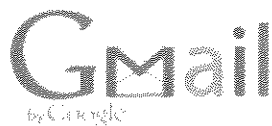
Attachment

I Mina'Trentai Tres 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
40-33 (COR)	FRANK B. AGUON, JR.	AN ACT TO AMEND §§ 8107 AND 8108 OF CHAPTER 8, TITLE 7 GCA, §5103(d) OF CHAPTER 5, TITLE 17 GCA, AND § 6403 OF ARTICLE 4, CHAPTER 6, TITLE 17 GCA, AND BY ADDING A NEW §55102(h) OF CHAPTER 55, TITLE 10 GCA, RELATIVE TO PROPERLY CLASSIFY LAW ENFORCEMENT PERSONNEL OF THE GOVERNMENT OF GUAM BY RENAMING "ATTENDANCE OFFICERS" AS "TRUANCY OFFICERS" TO REFLECT PRACTICE THROUGHOUT THE UNITED STATES AND CLASSIFY SUCH OFFICERS AS LAW ENFORCEMENT UNDER THE PROVISIONS OF PUBLIC LAW 29-105; AND TO PROVIDE UNIFORMS AND EQUIPMENT TO TRUANCY OFFICERS.	02/23/15 3:26 p.m.	02/24/15	Committee on the Guam U.S. Military Relocation, Public Safety, and Judiciary			





Office of Senator Frank B. Aguon, Jr. <admin@frankaguonjr.com>

1st Notice – Public Hearing on Wednesday, March 11, 2015 at 5:30 PM

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com>

Wed, Mar 4, 2015 at 9:01 AM

To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Cc: "Frank Aguon, Jr." <aguon4guam@gmail.com>, Ivan Palacios <communications@frankaguonjr.com>, Tricia Benavente <media@frankaguonjr.com>, Lourdes Eclavea <staff@frankaguonjr.com>, Senator Aguon's Assistant <officeassistant@frankaguonjr.com>, Rico Taitague <committee@frankaguonjr.com>

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March 4, 2015

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B, AGUON, JR.

Subject: 1st Notice – Public Hearing on Wednesday, March 11, 2015 at 5:30 PM

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene an **Public Hearing on Wednesday, March 11, 2015 at 5:30 PM**. Included on the agenda are the following bill(s):

- **Bill No. 40-33 (COR)**- An act to amend §§ 8107 and 8108 of Chapter 8, Title 7 GCA, §5103(d) of Chapter 5, Title 17 GCA, and § 6403 of Article 4, Chapter 6, Title 17 GCA, and by adding a new §55102(h) of Chapter 55, Title 10 GCA, relative to properly classify law enforcement personnel of the government of Guam by renaming "Attendance Officers" as "Truancy Officers" to reflect practice throughout the United States and classify such officers as law enforcement under the provisions of Public Law 29-105;

and to provide uniforms and equipment to truancy officers. (Sponsor: F.B. Aguon, Jr.)

- **Bill No. 42-33 (COR)** - An act to repeal and reenact §58.60 of Chapter 58, Title 9 Guam Code Annotated relative to the crime of promoting prison contraband; which may be cited as the Contraband Reform Act of 2015. (Sponsor: B.T. McCreadie)

The Hearing will broadcast on local television, *GTA Channel 21 and Docomo Channel 117* or streamed online at: www.guamlegislature.com.

The Committee requests that, if written testimonies are to be presented at the Public Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 501 DNA Bldg. 238 Archbishop Flores St. Hagatna, Guam, or via fax to 475-GUM3(4863), or via email to: aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guahãn*'s website at: www.guamlegislature.com. Individuals requiring special accommodations, auxiliary aids, or services should contact our office at 475-4861/62. Please feel free to contact my office should you have any questions or concerns.

Un Dangkolo Na Si Yu'os Ma'ase!

Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Public Safety, and Judiciary


SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGÁTÑA, GUAM 96910

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Office of Senator Frank B. Aguon, Jr. <admin@frankaguonjr.com>

2nd Notice – Public Hearing on Wednesday, March 11, 2015 at 5:30 PM

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com>

Mon, Mar 9, 2015 at 9:52 AM

To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Cc: "Frank Aguon, Jr." <aguon4guam@gmail.com>, Ivan Palacios <communications@frankaguonjr.com>, Tricia Benavente <media@frankaguonjr.com>, Lourdes Eclavea <staff@frankaguonjr.com>, Senator Aguon's Assistant <officeassistant@frankaguonjr.com>, Rico Taitague <committee@frankaguonjr.com>

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March 9, 2015

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: 2nd Notice – Public Hearing on Wednesday, March 11, 2015 at 5:30 PM

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Un Dangkolo Na Si Yu'os Ma'ase!

—

Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Public Safety, and Judiciary

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Listserv: phnotice@guamlegislature.org

Updated as of February 4, 2015

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Updated as of February 4, 2015

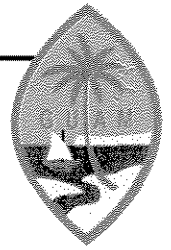
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Senator
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Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Roy J. Respicio
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Dr. Nerissa B. Underwood,
Ph.D.
Member

Senator
V. Anthony Ada
Member

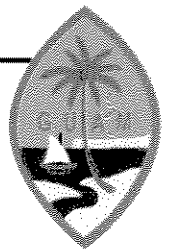
Senator
Frank F. Blas Jr.
Member

Senator
James V. Espaldon
Member

Senator
Brant T. McCreddie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D
Ex-Officio

- **All Senators / Stakeholders / Media**
- **Governor Eddie B. Calvo**
- **Lieutenant Governor Ray Tenorio**
- **Congresswoman Madeleine Z. Bordallo**
- **Chief Justice Robert J. Torres**
 - Joshua Tenorio, Administrator of the Courts
- **Special Assistant to the Governor on Military Buildup & Infrastructure**
 - Mark Calvo
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 - Philip Tajjeron, Assistant Chief
- **Guam Police Department**
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 - Maurice Sayama, Colonel
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 - Charles Ada, General Manager
 - Edward Untalan, Chairman of the Board
- **Guam Airport Police**
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- **Guam Port Authority Police**
 - Doris Aguero, Chief
- **Guam Fire Department**
 - Joey San Nicolas, Chief
- **Department of Corrections**
 - Jose A. San Agustin
 - Carla Borja
- **Guam Department of Parks and Recreation**
 - Raymond Blas, Director
 - Mike Cura, Parks Administrator
- **Office of the Attorney General**
 - Attorney Elizabeth Barrett-Anderson
- **Public Defender Service Corporation**
 - Eric D. Miller
- **Department of Education**
 - Jon Fernandez, Superintendant



March 4, 2015

The Honorable Edward J. Calvo
Governor of Guam

513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagåtña, Guam 96910

Sent via email to: governor@guam.gov

RE: **Public Hearing on Wednesday, March 11, 2015 at 5:30 PM**

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If you feel the above mentioned items impact your agency or organization, we encourage you to participate in this upcoming Public Hearing. The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 501 DNA Bldg. 238 Archbishop Flores St. Hagatna, Guam, or via fax to 475-GUM3(4863), or via email to aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at I Liheslaturan Guahan 's website at www.guamlegislature.com. Individuals requiring special accommodations, auxiliary aids, or services should contact our office at 475-4861/62. Please feel free to contact my office should you have any questions or concerns.

Un Dagkolo Na Sa Yu'os Ma'ase!


SENATOR FRANK B. AGUON, JR.

Committee Chairman of Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

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FRANK B. AGUON, JR.
Chairman

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Senator
Rory J. Respicio
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Senator
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Member

Senator
Dr. Nerissa B. Underwood, Ph.D.
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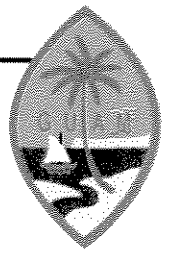
Senator
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Senator
James V. Espaldon
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Ex-Officio



March 04, 2015

The Honorable Ray Tenorio
Lieutenant Governor of Guam

513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagåtña, Guam 96910

Sent via email to: ray.tenorio@guam.gov

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Un Dangkolo Na Si Yagos Ma'ase!

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910
PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863) | EMAIL: AGUON4GUAM@GMAIL.COM

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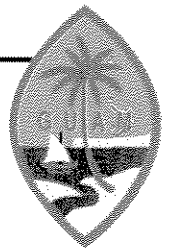
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Dr. Judith T. Won Pat, Ed.D.
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Guam U.S Military Relocation | Public Safety | Judiciary



I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN | 33RD GUAM LEGISLATURE

March 4, 2015

The Honorable Robert J. Torres, Jr.
Chief Justice of Guam

Suite 300, Guam Judicial Center 120 West O'Brien Drive
Hagåtña, Guam 96910

Sent via email to: rjtorres@guamsupremecourt.com

RE: Public Hearing on Wednesday, March 11, 2015 at 5:30 PM

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Un Dangkolo Na Si Y.../ase!

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Guam U.S Military Relocation | Public Safety | Judiciary



I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN | 33RD GUAM LEGISLATURE

March 4, 2015

Mr. Joshua Tenorio
Administrator of Courts
Judiciary of Guam

Suite 300, Guam Judicial Center 120 West O'Brien Drive
Hagåtña, Guam 96910

Sent via email to: jtenorio@guamcourts.org

RE: Public Hearing on Wednesday, March 11, 2015 at 5:30 PM

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Umangkolona Sa Sinau Ma'ase!

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

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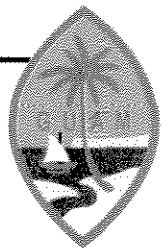
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Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio



March 4, 2015

Mr. Jon Fernandez
Superintendent, Guam Department of Education
Sent via email to: jonfernandez@gdoe.net

RE: Public Hearing on Wednesday, March 11, 2015 at 5:30 PM

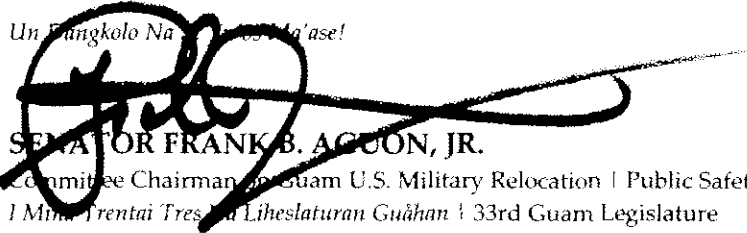
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Un Fungkolo Na, Mases' Na'ase!


SENATOR FRANK B. AGUON, JR.
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Ex-Officio



Guam U.S Military Relocation | Public Safety | Judiciary



I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN | 33RD GUAM LEGISLATURE

March 4, 2015

Mrs. Carla Borja
Deputy Director,
Department of Corrections
P.O. Box 3236
Hagatna, GU 96932
Sent via email to: carla.borja@doc.guam.gov

RE: Public Hearing on Wednesday, March 11, 2015 at 5:30 PM

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Un Derigkolo Na Sa'ulu ne Ma'ase!

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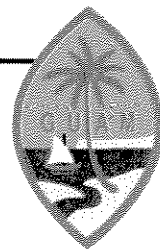
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Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio



March 4, 2015

Mr. Jose San Agustin
Director,
Department of Corrections

P.O. Box 3236
Hagatna, GU 96932

Sent via email to: jose.sanagustin@doc.guam.gov

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Un Pangkolo Ni'gi Ni'ng 'U'ase!

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Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
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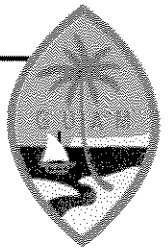
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PUBLIC HEARING AGENDA

Wednesday, March 11, 2015 at 5:30PM

I Liheslaturan Guahan's Public Hearing Room, Hagåtña

AGENDA

I. Call to Order at 5:30PM

II. Opening remarks/Announcements

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III. Closing Remarks

IV. Adjournment