



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

2010 FEB 09 PM 3:24

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

30-10-0133
FEB 09 2010
Handwritten signature and date 2/09/10

Dear Speaker Won Pat:

Submitted herewith is Bill No. 270-30 (LS), "AN ACT TO AMEND §3401.1(f) AND (h), ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING VOLUNTEERS TO DISPLAY THEIR IDENTIFICATION CARD AND TO BE IN PRESCRIBED UNIFORM ATTIRE WHILE ISSUING CITATIONS FOR THE PURPOSE OF IMMEDIATE RECOGNITION OF AUTHORITY," which I have vetoed.

I commend the volunteers of the Guam Police Department's Community Assisted Policing Effort (C.A.P.E.) for their service and desire to contribute to our community. C.A.P.E. volunteers assist the Guam Police Department (GPD) by augmenting their services and enabling GPD to be more responsive especially to emergency calls. One of these services is ensuring availability of accessible parking for the disabled. Many of these volunteers share a compassion for the disabled and policing accessible parking is a rewarding way for them to support Guam's disabled community.

C.A.P.E. volunteers graduate from the program upon completion of initial training and receive periodic ongoing training. They are authorized to issue parking violation citations. They don a badge, identification card and hat and are issued citation forms from GPD.

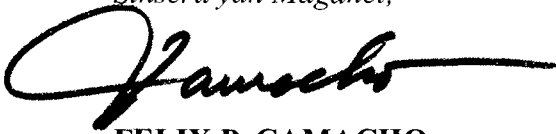
Bill No. 270-30 would require a prescribed uniform attire when issuing citations. Unfortunately, many volunteers oppose this requirement as it would limit their opportunity to issue citations when witnessing a parking violation. C.A.P.E. volunteers do this service any hour of the day. Citations are often issued by volunteers when they are doing personal errands. Most of the time, citations are issued while a vehicle is parked and empty. Requiring volunteers to wear uniforms when issuing citations prevents them from issuing a citation to a violator when they are in plain clothes which in turn denies a person with disability from accessible parking.

Several C.A.P.E. volunteers have expressed their opposition to wearing a uniform and avowed they will quit if legislation requires it thereby reducing the number of volunteers. With limited

resources, there is no guarantee there will be enough uniforms for all the volunteers or that any uniforms can be purchased. C.A.P.E. like the rest of the government is experiencing a financial shortfall. Requiring uniforms will further erode their Fund and divert it from its intended purpose of enforcing the accessible parking law.

C.A.P.E. volunteers have issued more than a thousand citations with only a fourth of the citations dismissed. The program has been successful and requiring a uniform may overturn their progress either by limiting their opportunity to issue a citation or reducing the number of volunteers with the implementation of this policy. It is for these reasons and the overwhelming opposition to this Bill that have compelled me to veto it.

*Sins eru yan Magâhet,*

A handwritten signature in black ink, appearing to read 'F. Camacho', with a long horizontal flourish extending to the right.

**FELIX P. CAMACHO**

*I Maga' Låhen Guahan*

Governor of Guam

Attachment

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

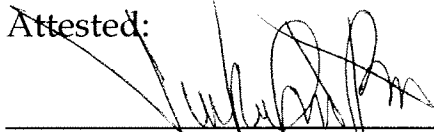
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Substitute Bill No. 270-30 (LS), "AN ACT TO AMEND §3401.1 (f) and (h), ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING VOLUNTEERS TO DISPLAY THEIR IDENTIFICATION CARD AND TO BE IN PRESCRIBED UNIFORM ATTIRE WHILE ISSUING CITATIONS FOR THE PURPOSE OF IMMEDIATE RECOGNITION OF AUTHORITY,"** was on the 22<sup>nd</sup> day of January, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

-----

This Act was received by *I Maga'lahaen Guåhan* this 28<sup>th</sup> day of January, 2010, at 3:34 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:



FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

**Bill No. 270-30 (LS)**

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

Introduced by:

Adolpho B. Palacios, Sr.  
T. C. Ada  
F. B. Aguon, Jr.  
F. F. Blas, Jr.  
E. J.B. Calvo  
B. J.F. Cruz  
J. V. Espaldon  
Judith P. Guthertz, DPA  
T. R. Muña Barnes  
v. c. pangelinan  
R. J. Respicio  
Telo Taitague  
Ray Tenorio  
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §3401.1 (f) and (h), ARTICLE 4,  
CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED,  
RELATIVE TO REQUIRING VOLUNTEERS TO DISPLAY  
THEIR IDENTIFICATION CARD AND TO BE IN  
PRESCRIBED UNIFORM ATTIRE WHILE ISSUING  
CITATIONS FOR THE PURPOSE OF IMMEDIATE  
RECOGNITION OF AUTHORITY.**

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

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the volunteers under the Guam Police Department's Community Assisted  
4 Policing Effort (C.A.P.E.) program serve to augment the Guam Police Department

1 (GPD) officers in the enforcement of §3401.1 of Title 16, Guam Code Annotated,  
2 Chapter 3, Article 4, commonly known as the “Accessible Parking for Persons  
3 with Disabilities.” Although these volunteers were trained by the Department prior  
4 to duty assignment, complaints were registered with *I Liheslaturan Guåhan* that  
5 some volunteers issue citations while in attire *not* distinguishable from the ordinary  
6 person, notwithstanding that GPD General Order 06-03 requires that volunteers  
7 while on duty *shall* be identifiable as such.

8 *I Liheslaturan Guåhan* finds that Title 16, Guam Code Annotated, §3401.1,  
9 *does not* explicitly provide for the wearing of distinguishable attire, leaving such  
10 policy to be established by GPD, hence, the adoption of GPD General Order 06-03.  
11 However, compliance by the volunteers with GPD General Order 06-03 is *not*  
12 consistent, resulting in the issuance of citations by plainclothes volunteers for  
13 which cited disabled persons paid Three Hundred Dollars (\$300.00).

14 *I Liheslaturan Guåhan* finds that volunteers who issue citations should be  
15 easily recognizable and identifiable by the public. This will provide immediate  
16 visual recognition of authority by the persons against whom the issuance of a  
17 citation is being contemplated and thus avoid unnecessary confrontation.

18 It is, therefore, the intent of *I Liheslaturan Guåhan* to provide for the visual  
19 recognition of volunteers who are authorized to issue citations by requiring the  
20 volunteers to display their identification card and be appropriately attired and  
21 distinguishable as such when issuing citations by amending §3401.1 (f) and (h),  
22 Article 4, Chapter 3, Title 16, Guam Code Annotated.

23 **Section 2.** §3401.1 (f), Article 4, Chapter 3, Title 16, Guam Code  
24 Annotated, is hereby *amended* to read:

25 “(f) Citations. Law enforcement “*uniformed personnel*,” as defined  
26 within 4 GCA §8104(p), and volunteers appointed by the Chief of Police  
27 *shall* issue citations for vehicles parked in violation of this Section. The

1 Chief *shall* issue identification cards and uniform attire to volunteers  
2 recruited under Subsection (h) hereof so as to distinguish them from the  
3 ordinary citizens. The identification card *shall* be visibly displayed and the  
4 uniform attire *shall* be properly worn by the volunteer when he issues  
5 citations. The display of a metal badge is as prescribed by the Chief of  
6 Police. Citations issued *not* consistent with this provision *shall not* be valid  
7 and *shall* be dismissed by the courts. The Chief *shall* distribute citation  
8 forms for use in the enforcement of this Section.”

9 **Section 3.** §3401.1(h), Article 4, Chapter 3, Title 16, Guam Code  
10 Annotated, is hereby *amended* to read:

11 “(h) Volunteers Authorized to Issue Citations. The Chief of Police  
12 *shall* recruit volunteers who desire to assist the Guam Police Department in  
13 the enforcement of this Section. The volunteer *shall*:

- 14 (1) be at least eighteen (18) years of age;
- 15 (2) be a citizen of the United States and a resident of Guam;
- 16 (3) *not* have been convicted of a felony *or* crime of family  
17 violence;
- 18 (4) obtain a certificate from the Chief of Police demonstrating the  
19 completion of a required course of instruction and training that  
20 includes training in measures to avoid dangerous confrontations  
21 with violators of this Section. The course of instruction and  
22 training *shall be at no* cost to the volunteer. Retired “*uniformed*  
23 *personnel*” are exempted from this subsection;
- 24 (5) satisfy any other qualifications and requirements established by  
25 the Chief of Police; and
- 26 (6) when issuing citations, the volunteer *shall* be in compliance  
27 with §3401.1 (f) *supra.*”